



# Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Twentieth Meeting Day

Thursday Afternoon

February 17, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Terry Campbell, Bradley United Methodist Church, Greenfield, the guest of Representative Robert W. Cherry and staff member Cheryl Bruns.

The Pledge of Allegiance to the Flag was led by Representative Kathy Kreag Richardson.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 138: 100 present. The Speaker announced a quorum in attendance.

The Ball State University Singers sang the National Anthem.

## RESOLUTIONS ON FIRST READING

### House Resolution 13

Representatives T. Adams, Davis, and J. Lutz introduced House Resolution 13:

A HOUSE RESOLUTION honoring the Ball State University Singers.

*Whereas, For more than four decades, the Ball State University Singers have given voice to the spirit of Indiana through their songs of faith, laughter, and love;*

*Whereas, The 2004-2005 concert season marks the 41st anniversary of the founding of this critically acclaimed group;*

*Whereas, The Ball State University Singers began in 1964 with 27 vocalists and instrumentalists under founding director Don Neuen;*

*Whereas, They have entertained countless Hoosiers at community concerts, conventions, banquets, and business meetings in hundreds of Indiana cities and towns;*

*Whereas, The Ball State University Singers, who were founded to commemorate the elevation of Ball State Teachers College to university status, continue to represent the exuberant spirit and dynamic growth of one of the nation's premier teaching universities;*

*Whereas, Beginning with their first public appearance in 1965, their performances have received critical acclaim and numerous awards, including being named the Nation's Number One Entertainment Organization by the Bob Hope Collegiate Talent Search in 1977 and again in 1990; and*

*Whereas, They were influential pioneers in the American show choir movement and have for four decades shared their innovations with the youth of Indiana through school convocations, workshops, festivals, television specials, and educational videotapes: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That in recognition of their critically acclaimed performances in every part of Indiana, across the nation, and around the world, the Indiana General Assembly has proclaimed the Ball State University Singers to be "Indiana's Goodwill Ambassadors", and the House of Representatives echoes that proclamation and expresses the pure joy felt by its members when listening to the Ball State University Singers. These talented young people represent the best of what Indiana has to offer. They truly have made the state of Indiana their stage.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Ball State University Singers; director Jeffrey Richard Carter; and University President Jo Ann M. Gora.

The resolution was read a first time and adopted by voice vote.

With consent of the members, the House took up House Bills on third reading.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1250

Representative Friend called down Engrossed House Bill 1250 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 3:10 p.m. with the Speaker in the Chair.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 35 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 35

The Speaker handed down Senate Concurrent Resolution 35, sponsored by Representatives Hinkle and Orentlicher:

A CONCURRENT RESOLUTION honoring Ed Siegel for his successful coaching career.

*Whereas, The accomplishments of former Pike High School basketball coach Ed Siegel were immortalized with the renaming of the Pike High School gymnasium in his honor;*

*Whereas, With this honor, Ed Siegel joins an elite group of Central Indiana coaches who have gyms or football stadiums named in their honor;*

*Whereas, Ed Siegel's coaching career spanned more than 30 years and included jobs at Stillwell, Southwestern, Booneville, and Pike High Schools;*

*Whereas, Ed Siegel's high school coaching career record is 458-298, including six sectional championships and two regional championships, and 343-229 during his 25 years at Pike High School;*

*Whereas, Coach Siegel won 22 championships as a varsity coach, received 14 coach of the year awards, won Pike's first conference, sectional, and regional championships, and coached four Indiana All-Stars;*

*Whereas, During his career, Coach Siegel has been recognized for his athletic accomplishments many times, including 11 varsity letters earned at Franklin College (in basketball, track, and cross country) and induction into the Franklin College athletic hall of fame. In 2004, Coach Siegel was given the Man of the Year award from the Indianapolis Old Timers Club, and he is currently on the Board of Directors of the Indiana Basketball Hall of Fame;*

*Whereas, Coach Siegel credits the support of his wife of 50 years, Carmen, and his children, Mark, Julie Ann, and David, for his success; and*

*Whereas, Ed Siegel has dedicated his life to teaching the young people of Indiana, and so it is fitting that the Indiana Senate acknowledge the accomplishments of this great coach: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives  
concurring:*

SECTION 1. That the General Assembly wishes to congratulate Ed Siegel on his outstanding contributions to the Pike basketball program and to the Metropolitan School District of Pike Township. Mr. Siegel

gave of himself unselfishly. He inspired his players to greater heights and instilled in them a passion for life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Ed Siegel and his family; Mrs. Debra Jacobs, Pike High School principal; and Nathaniel Jones, Superintendent of the Metropolitan School District of Pike Township.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

With consent of the members, the House returned to House Bills on second reading.

## HOUSE BILLS ON SECOND READING

### House Bill 1001

Representative Espich called down House Bill 1001 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1001-1)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 45, line 33, after "program." insert "**Not more than \$279,000 in each state fiscal year may be allocated from the above appropriations to the farm counseling program.**".

Page 67, line 1, after "counties." insert "**Money appropriated to the local health maintenance fund must be allocated under the following schedule each year to each local board of health whose application for funding is approved by the state department of health:**

COUNTY POPULATION	AMOUNT OF GRANT
over 499,999	94,112
100,000 - 499,999	72,672
50,000 - 99,999	48,859
under 50,000	33,139".

Page 68, line 16, delete "23,078,419" and insert "**23,143,919 23,143,919**".

Page 68, line 31, delete "- REGIONAL MEDICAL CENTERS" and insert "**SCHOOL OF MEDICINE —**".

Page 68, line 32, delete "REGIONAL MEDICAL CENTER".

Page 68, line 34, delete "REGIONAL MEDICAL CENTER".

Page 68, line 36, delete "REGIONAL MEDICAL CENTER".

Page 68, line 38, delete "REGIONAL MEDICAL CENTER".

Page 68, line 40, delete "REGIONAL MEDICAL CENTER".

Page 68, line 42, delete "REGIONAL MEDICAL CENTER".

Page 68, line 44, delete "REGIONAL MEDICAL CENTER".

Page 68, line 47, after "medicine" insert "**- Indianapolis**".

Page 118, line 12, after "levies" delete "." and insert "**(as defined in IC 6-1.1-19) received for deposit in the calendar year in which the school year begins.**".

Page 118, line 16, after "IC 6-3.5" delete "." and insert "**received for deposit in the calendar year in which the school year begins.**".

Page 123, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 80. IC 20-12-30.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The Indiana Statewide Medical Education System shall include, but not be limited to, centers for comprehensive medical education established in cooperation with existing medical and educational institutions in Gary, Fort Wayne, Lafayette, Evansville, South Bend, Terre Haute, and Muncie, Indiana. These centers shall be known separately and respectively as **Indiana University School of Medicine—Northwest, Center for Medical Education at Gary, Indiana University School of Medicine—Fort Wayne, Center for Medical Education, Indiana University School of Medicine—Lafayette, Center for Medical Education at Purdue University, Indiana University School of Medicine—Evansville, Center for Medical Education, Indiana University School of Medicine—South Bend, Center for Medical Education, Indiana University School of Medicine—Terre Haute, Center for Medical Education at Indiana State University, and Indiana University School of Medicine—Muncie. Center for Medical Education at Ball State University.**"

Page 127, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 86. IC 21-1-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3. (a) The Indiana state board of education is authorized to advance money to school corporations and school townships from the common school fund to be used for school building construction and educational technology programs as provided in this chapter.

(b) As used in this chapter, "school building construction program" means the purchase, lease, or financing of land, the construction and equipping of school buildings, and the remodeling, repairing, or improving of school buildings by a school corporation or school township:

- (1) that sustained loss by fire, wind, cyclone, or other disaster of all or a major portion of a school building or school buildings;
- (2) whose assessed valuation per pupil ~~ADA~~ **ADM** is within the lowest forty percent (40%) of the assessed valuation per pupil ~~ADA~~ **ADM** when compared to all school corporation or school township assessed valuation per pupil ~~ADA~~ **ADM**; or
- (3) with an advance under this chapter outstanding on July 1, 1993, that bears interest at least seven and one-half percent (7.5%).

However, as used in this chapter, the term does not include facilities used or to be used primarily for interscholastic or extracurricular activities.

(c) As used in this chapter, "educational technology program" means the purchase, lease, or financing of educational technology equipment, the operation of the educational technology equipment, and the training of teachers in the use of the educational technology equipment."

Page 141, line 32, delete "the STEP SEVEN result from".

Page 141, line 32, delete "(1.25)." and insert **"(1.25) from the STEP SEVEN result."**

Page 142, line 33, strike "Determine the result under clause (B) of the following formula:" and insert **"Multiply"**.

Page 142, strike line 34.

Page 142, line 35, strike "(i)".

Page 142, run in lines 33 through 35.

Page 142, line 36, delete "(\$4,370);" and insert **"(\$4,370)"**.

Page 142, line 36, strike "multiplied".

Page 142, line 37, strike "(ii)".

Page 142, run in lines 36 through 37.

Page 142, strike lines 39 through 40.

Page 143, line 28, delete "four thousand three hundred seventy dollars (\$4,370)." and insert **"the STEP ONE amount."**

Page 151, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 117. [EFFECTIVE JULY 1, 2005] (a) Effective July 1, 2005, the names of the following programs, centers, and schools are changed as follows:

- (1) The name of the Bloomington Medical Sciences Program is changed to Indiana University School of Medicine-Bloomington.
- (2) The name of Indiana University School of Medicine is changed to Indiana University School of Medicine-Indianapolis.
- (3) The name of Muncie Center for Medical Education at Ball State University is changed to Indiana University School of Medicine-Muncie.
- (4) The name of Terre Haute Center for Medical Education at Indiana State University is changed to Indiana University School of Medicine-Terre Haute.
- (5) The name of Lafayette Center for Medical Education at Purdue University is changed to Indiana University School of Medicine-Lafayette.
- (6) The name of Evansville Center for Medical Education is changed to Indiana University School of Medicine-Evansville.
- (7) The name of Fort Wayne Center for Medical Education is changed to Indiana University School of Medicine-Fort Wayne.

(8) The name of South Bend Center for Medical Education is changed to Indiana University School of Medicine-South Bend.

(9) The name of Northwest Center for Medical Education at Gary is changed to Indiana University School of Medicine-Northwest.

(b) A reference to the former name described in subsection (a) in any law, rule, or document shall be treated after June 30, 2005, as a reference to the new name given to the program, center, or school by subsection (a).

(c) The legislative council shall provide for the preparation of legislation to change the references in all laws to the programs, centers, and schools described in subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2005.)

ESPICH

Motion prevailed. The bill was ordered engrossed.

With consent of the members, the House returned to House Bills on third reading.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1776

Representative Buell called down Engrossed House Bill 1776 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 100, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Steele.

### Engrossed House Bill 1746

Representative Budak called down Engrossed House Bill 1746 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 72, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lubbers.

### Engrossed House Bill 1789

Representative Aguilera called down Engrossed House Bill 1789 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator xx.

With consent of the members, the House returned to House Bills on second reading.

## HOUSE BILLS ON SECOND READING

### House Bill 1063

Representative Wolkins called down House Bill 1063 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1063-1)

Mr. Speaker: I move that House Bill 1063 be amended to read as follows:

Page 1, line 14, delete "or".

Page 1, line 15, delete "." and insert "; or

**(10) an entity that owns or operates a pipeline that carries natural gas, crude oil or any of its constituents, refined products, or hazardous liquids."**

(Reference is to HB 1063 as printed February 15, 2005.)

WOLKINS

Motion prevailed.

HOUSE MOTION  
(Amendment 1063-2)

Mr. Speaker: I move that House Bill 1063 be amended to read as follows:

Page 2, line 9, after "may" insert "**not**".

Page 2, line 10, delete "commercial" and insert "**public**".

Page 2, line 10, delete "or".

Page 2, line 11, delete "only if" and insert "**unless**".

(Reference is to HB 1063 as printed February 15, 2005.)

ULMER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1099

Representative Messer called down House Bill 1099 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1126

Representative Foley called down House Bill 1126 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1175

Representative Burton called down House Bill 1175 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1224

Representative Koch called down House Bill 1224 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1241

Representative T. Harris called down House Bill 1241 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1265

Representative Pond called down House Bill 1265 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1289

Representative Thomas called down House Bill 1289 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1289-1)

Mr. Speaker: I move that House Bill 1289 be amended to read as follows:

Page 1, line 16, after "A17.1-2000;" insert "**or**".

Page 2, line 4, delete "A17.1-2004; or" and insert "**A17.1-2004**".

Page 2, delete lines 5 through 42.

Page 3, delete lines 1 through 26.

Renumber all SECTIONS consecutively.

(Reference is to HB 1289 as printed February 9, 2005.)

PIERCE

Motion failed.

HOUSE MOTION  
(Amendment 1289-2)

Mr. Speaker: I move that House Bill 1289 be amended to read as follows:

Page 1, line 10, after "675 IAC 21-3-1" insert ",".

Page 1, line 10, delete "675 IAC 21-3-2," and insert "**675 IAC 21-3-2**".

Page 2, line 8, after "order." insert "**However, for Rule 8.6.5.8 to be inapplicable to an elevator under this subdivision, the elevator:**

**(A) must:**

**(i) be inspected not less than one (1) time per year by an elevator inspector; and**

**(ii) have a category 1 pressure test, as described in Rule 8.11.3.2 of the Safety Code for Elevators and Escalators as specified by ASME A17.1-2000, performed on the elevator not less than one (1) time every six (6) months, one (1) test a year to be performed in the presence of the elevator inspector performing the inspection required by item (i);**

**(B) must have a static four (4) hour full load test, as described in ASME A17.1-2000, performed by an elevator mechanic whenever the elevator has an unexplained loss of hydraulic fluid, and may not be operated again until the elevator mechanic accounts for the unexplained loss of hydraulic fluid; and**

**(C) shall bear a disclaimer posted in the cab of the elevator with the following wording: "This elevator does not meet the latest safety requirements as published by the American Society of Mechanical Engineers. If the hydraulic elevator jack loses pressure, this elevator may descend rapidly and hit with tremendous force, causing injury and possibly death to individuals in the elevator. Individuals ride at their own risk.""**

(Reference is to HB 1289 as printed February 9, 2005.)

TINCHER

On the motion of Representative GiaQuinta the previous question was called. Motion failed. The bill was ordered engrossed.

### House Bill 1314

Representative Behning called down House Bill 1314 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1398

Representative Foley called down House Bill 1398 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1444

Representative Kersey called down House Bill 1444 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1453

Representative Richardson called down House Bill 1453 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1488

Representative Behning called down House Bill 1488 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1501

Representative Yount called down House Bill 1501 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1525**

Representative Alderman called down House Bill 1525 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1540**

Representative Woodruff called down House Bill 1540 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1546**

Representative Espich called down House Bill 1546 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1646**

Representative Ripley called down House Bill 1646 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1646-4)

Mr. Speaker: I move that House Bill 1646 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 26 with "[EFFECTIVE UPON PASSAGE]".

(Reference is to House Bill 1646 as printed February 9, 2005.)

RIPLEY

Motion prevailed.

HOUSE MOTION  
(Amendment 1646-3)

Mr. Speaker: I move that House Bill 1646 be amended to read as follows:

Page 8, delete lines 32 through 42.

Delete pages 9 through 10.

Page 11, delete line 1.

(Reference is to HB 1646 as printed February 9, 2005.)

RIPLEY

Motion prevailed.

HOUSE MOTION  
(Amendment 1646-2)

Mr. Speaker: I move that House Bill 1646 be amended to read as follows:

Page 12, between lines 40 and 41, begin a new paragraph and insert the following:

"SECTION 14. IC 27-8-19.8-9.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.2. An insurance producer that:**

**(1) is licensed under IC 27-1-15.6; and**

**(2) sells a life insurance policy or contract that, less than two (2) years after the insurance producer sells the policy or contract, is the subject of a viatical settlement contract;**

**shall not accept a commission or other remuneration in connection with the viatical settlement contract."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1646 as printed February 9, 2005.)

RIPLEY

Motion prevailed. The bill was ordered engrossed.

With consent of the members, the House returned to reports from committees.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 5 through 17.

Page 2, delete lines 1 through 21.

Page 2, line 22, delete "3." and insert "1."

Page 2, line 24, delete "4." and insert "2."

Page 2, delete lines 27 through 34, begin a new paragraph and insert:

**"Sec. 3. As used in this chapter, "department" refers to the department of workforce development."**

Page 2, line 35, delete "6." and insert "4."

Page 2, line 36, after "tuition" delete "," and insert "and".

Page 2, line 36, after "fees" delete ",".

Page 2, line 37, delete "and".

Page 2, line 37, after "equipment," insert **"and tools or supplies that may be retained by the employee after completion of a course of instruction,"**

Page 2, delete lines 39 through 40.

Page 2, line 41, delete "(2)" and insert "(1)".

Page 2, line 42, delete "(3)" and insert "(2)".

Page 3, delete lines 2 through 4, begin a new paragraph and insert:

**"Sec. 5. As used in this chapter, "eligible employee" means the following:**

**(1) A full-time employee of a participating employer.**

**(2) A part-time employee of a participating employer, if the part-time employee has the part-time employee's principal place of business with the participating employer in Indiana and the participating employer elects in the participating employer's application to the department under this chapter to include part-time employees in the participating employer's plan."**

Page 3, line 5, delete "8." and insert "6."

Page 3, line 11, delete "a" and insert **"Indiana with a participating employer."**

Page 3, delete line 12.

Page 3, delete lines 13 through 14, begin a new paragraph and insert:

**"Sec. 7. As used in this chapter, "participating employer" means a corporation, person, or pass through entity that:**

**(1) employs at least one (1) eligible employee; and**

**(2) is selected under this chapter to participate in a pilot life long learning tax credit program under this chapter."**

Page 3, line 15, delete "10." and insert "8."

Page 3, delete lines 22 through 23.

Page 3, line 24, delete "12." and insert "9."

Page 3, line 25, delete "educational" and insert **"eligible education expenses"**.

Page 3, line 26, delete "assistance".

Page 3, line 27, delete "13." and insert **"10."**

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"Sec. 11. The pilot life long learning tax credit program is established to encourage life long learning practices by eligible employees. The department shall administer the program."**

Page 3, line 35, delete "14. (a) A full-time" and insert **"12. (a) An eligible"**.

Page 3, line 40, delete "a full-time" and insert **"an eligible"**.

Page 4, line 1, delete "office" and insert **"department"**.

Page 4, line 1, after "to the" insert **"eligible"**.

Page 4, line 3, delete "15." and insert **"13."**

Page 4, line 3, delete "An" and insert **"A participating"**.

Page 4, line 5, delete "employee's" and insert **"participating employer's"**.

Page 4, line 10, after "The" insert **"participating"**.

Page 4, line 10, delete "a" and insert **"an eligible"**.

Page 4, line 11, delete "full-time".

Page 4, line 16, delete "office" and insert **"department"**.

Page 4, line 16, after "to the" insert **"participating"**.

Page 4, line 18, delete "16." and insert **"14."**

Page 4, line 33, delete "17." and insert **"15."**

Page 5, line 1, delete "18." and insert **"16."**

Page 5, line 3, delete "." and insert **"of state revenue."**

Page 5, line 4, delete "department the information that the department" and insert **"department of state revenue the information that the department of state revenue"**.

Page 5, line 5, after "department" insert **"of state revenue"**.

Page 5, line 7, delete "19." and insert **"17."**.  
 Page 5, line 10, before "employer" insert **"participating"**.  
 Page 5, line 10, delete "." and insert **"and, if the participating employer elects to cover part-time employees under the plan, all part-time employees."**.  
 Page 5, line 12, delete "full-time" and insert **"eligible"**.  
 Page 5, line 13, delete "a qualified full-time" and insert **"an eligible"**.  
 Page 5, line 15, after "the" insert **"participating"**.  
 Page 5, line 18, after "that the" insert **"participating"**.  
 Page 5, line 20, after "." insert **"If the participating employer elects to have part-time employees participate in the plan, the participating employer may impose a different uniform limitation for part-time employees."**.  
 Page 5, line 21, delete "sections 20 and 21" and insert **"section 18"**.  
 Page 5, line 23, delete "a full-time" and insert **"an eligible"**.  
 Page 5, line 24, delete "full-time" and insert **"eligible"**.  
 Page 5, delete lines 26 through 28.  
 Page 5, line 29, delete "(6)" and insert **"(5)"**.  
 Page 5, line 30, after "by the" insert **"participating"**.  
 Page 5, line 31, delete "an" and insert **"a participating"**.  
 Page 5, line 32, delete "employer's full-time" and insert **"participating employer's eligible"**.  
 Page 5, line 34, delete "(7)" and insert **"(6)"**.  
 Page 5, line 37, delete "(8)" and insert **"(7)"**.  
 Page 5, line 37, after "department" insert **"of state revenue"**.  
 Page 5, line 38, delete "department." and insert **"department of state revenue."**.  
 Page 5, line 39, delete "(9)" and insert **"(8)"**.  
 Page 5, line 40, delete "office" and insert **"department"**.  
 Page 5, line 40, delete "employer's full-time" and insert **"participating employer's eligible"**.  
 Page 5, line 41, delete "employer's full-time" and insert **"participating employer's eligible"**.  
 Page 5, line 42, delete "(10)" and insert **"(9)"**.  
 Page 5, line 42, delete "office" and insert **"department"**.  
 Page 6, line 1, delete "20." and insert **"18."**.  
 Page 6, line 5, delete "and section 21 of this chapter".  
 Page 6, line 7, delete "a full-time" and insert **"an eligible"**.  
 Page 6, line 8, delete "full-time" and insert **"eligible"**.  
 Page 6, between lines 8 and 9, begin a new line block indented and insert:  
**"(3) Be held by a trustee or fiduciary, including the treasurer of state, approved by the department."**.  
 Page 6, line 9, delete "a full-time" and insert **"an eligible"**.  
 Page 6, line 10, after "the" insert **"eligible"**.  
 Page 6, line 10, delete "A full-time" and insert **"An eligible"**.  
 Page 6, line 11, delete "full-time" and insert **"eligible"**.  
 Page 6, line 16, after "department" insert **"of state revenue"**.  
 Page 6, line 16, after "another" insert **"participating"**.  
 Page 6, line 18, after "department" insert **"of state revenue"**.  
 Page 6, between lines 21 and 22, begin a new paragraph and insert:  
**"(c) An account may consist of gifts to an account in addition to contributions by an eligible employee or a participating employer. However, a gift to an account may be used only to pay eligible education expenses."**  
**(d) Transfer of an unused employer contribution as an employer contribution to another account does not result in forfeiture of a tax benefit received under this chapter. However, the employer is not eligible for an additional credit for the amount transferred."**  
 Page 6, delete lines 22 through 42.  
 Page 7, delete lines 1 through 6.  
 Page 7, line 7, delete "23." and insert **"19."**.  
 Page 7, line 11, delete ":" and insert **"for federal income tax purposes:"**.  
 Page 7, line 12, delete ";" and insert **"in the case of an individual;"**.  
 Page 7, line 13, delete "for purposes of IC 6-3:" and insert **"in the case of taxpayers other than an individual:"**.  
 Page 7, line 31, delete "24." and insert **"20."**.

Page 7, line 31, delete "office" and insert **"department"**.  
 Page 7, line 32, after "to" insert **"participating"**.  
 Page 7, line 32, delete "full-time" and insert **"eligible"**.  
 Page 7, line 34, delete "25." and insert **"21."**.  
 Page 7, line 34, delete "office" and insert **"department"**.  
 Page 7, line 34, after "certify" insert **"participating"**.  
 Page 7, line 35, after "and" insert **"eligible"**.  
 Page 7, line 36, after "that the" insert **"participating"**.  
 Page 7, line 37, after "of the" insert **"participating"**.  
 Page 7, line 37, after "and the" insert **"participating"**.  
 Page 7, line 37, delete "full-time" and insert **"eligible"**.  
 Page 8, line 2, delete "the office in" and insert **"the department in"**.  
 Page 8, line 2, after "by the" delete "office" and insert **"department"**.  
 Page 8, line 4, delete "full-time" and insert **"eligible"**.  
 Page 8, line 5, delete "in the order in which the applicants apply to the office" and insert **"by lottery conducted by the department"**.  
 Page 8, line 10, delete "office" and insert **"department"**.  
 Page 8, line 15, after "for" insert **"participating"**.  
 Page 8, line 16, delete "full-time" and insert **"eligible"**.  
 Page 8, line 16, after "for" insert **"eligible"**.  
 Page 8, line 19, delete "an" and insert **"a participating"**.  
 Page 8, line 19, delete "a full-time" and insert **"an eligible"**.  
 Page 8, line 20, delete "office" and insert **"department"**.  
 Page 8, line 22, delete "in which qualifying applicants are filed with the office." and insert **"determined by the department."**.  
 Page 8, line 23, delete "26." and insert **"22."**.  
 Page 8, line 23, delete "office" and insert **"department"**.  
 Page 8, line 23, after "of the" insert **"pilot"**.  
 Page 8, line 30, delete ":" and insert ".".  
 Page 8, line 31, delete "in the pilot counties."  
 Page 8, line 32, delete "increased in the pilot counties." and insert **"increased."**.  
 Page 8, line 37, delete "office" and insert **"department"**.  
 Page 8, line 40, delete "office" and insert **"department"**.  
 Page 8, after line 42, begin a new paragraph and insert:  
**"Sec. 23. Subject to the approval of the budget agency, the department may receive and accept gifts and other donations from any public or private source in its administration of the program."**  
 (Reference is to HB 1005 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 11, nays 0.

BORROR, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, line 2, after "board" insert **"for purposes of administering the commissioner of agriculture's duties under IC 15-1.5-4."**.  
 Page 11, delete line 15.  
 Page 11, line 16, delete "(6)" and insert **"(5)"**.  
 Page 12, delete line 42.  
 Page 13, delete line 1.  
 Page 13, line 2, delete "(B) Programs" and insert **"programs"**.  
 Page 12, run in line 41 through page 13, line 2.  
 Page 13, delete lines 12 through 13.  
 Page 13, line 14, delete "(7)" and insert **"(6)"**.  
 Page 13, line 16, delete "(8)" and insert **"(7)"**.  
 Page 13, line 18, delete "(9)" and insert **"(8)"**.  
 Page 13, line 20, delete "(10)" and insert **"(9)"**.  
 Page 13, line 22, delete "(11)" and insert **"(10)"**.  
 Page 13, line 24, delete "(12)" and insert **"(11)"**.  
 Page 13, between lines 38 and 39, begin a new line double block indented and insert:

"(E) IC 15-6-1.

(F) Any statute administered by the dean of agriculture at Purdue University."

(Reference is to HB 1008 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.1-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

##### Chapter 29. Family Education Tax Credit

Sec. 1. As used in this chapter, "ADM" has the meaning set forth in IC 21-3-1.6-1.1 and includes adjusted ADM.

Sec. 2. As used in this chapter, "dependent" has the meaning set forth in Section 152(a) of the Internal Revenue Code.

Sec. 3. As used in this chapter, "qualified education expenditures" means expenditures made by a taxpayer during the twelve (12) month period beginning July 1 and ending June 30 of the taxable year for a dependent with respect to a school of choice for any of the following:

- (1) Fees for academic tuition or instruction.
- (2) If the dependent is not enrolled in a school that charges tuition, expenditures for computer software, textbooks, workbooks, curricula, school supplies other than personal computers, and other written materials used primarily for academic instruction and for academic tutoring.
- (3) Expenditures for transporting the dependent to and from the school of choice where the dependent is enrolled, excluding transportation for extracurricular activities.

However, the total of a taxpayer's expenditures described in this section must be reduced by the amount of a scholarship received under IC 20-3.1-16 to determine qualified educational expenditures for purposes of sections 7(1) and 8(b)(1) of this chapter.

Sec. 4. As used in this chapter, "school of choice" is either a:

- (1) nonpublic school (as defined in IC 20-10.1-1-3); or
- (2) public school (as defined in IC 20-10.1-1-2) in which a dependent is enrolled but that is not the dependent's school of legal settlement for purposes of the general school tuition support formula.

Sec. 5. As used in this chapter, "taxpayer" means:

- (1) an individual who is; or
- (2) an individual and the individual's spouse, in the case of a joint return, who are;

subject to the adjusted gross income tax.

Sec. 6. This chapter applies to a taxpayer who has a dependent who has legal settlement in a school corporation located in Indiana.

Sec. 7. Except as provided in section 8 of this chapter, a taxpayer who makes qualified education expenditures is entitled to a credit against the adjusted gross income tax imposed by IC 6-3 for the taxable year. The credit to which the taxpayer is entitled for all the taxpayer's dependents combined is equal to the lesser of:

- (1) the qualified education expenditures of the taxpayer; or
- (2) the following amount per taxpayer:

Taxable Year Ending In	Amount
2006 and 2007	\$1,000
2008 and 2009	\$1,500
2010 and 2011	\$2,000
2012 and 2013	\$2,500
2014 and thereafter	\$3,000

The credit amount under this subsection with respect to a dependent is reduced by any credit amount with respect to other

dependents under section 8 of this chapter.

Sec. 8. (a) This section applies to the determination of a credit for any taxpayer with respect to any dependent who is not enrolled in a public school in 2005 but who is eligible for enrollment in a public school in 2005.

(b) A taxpayer described in subsection (a) is not entitled to a credit under this chapter for expenditures made before July 1, 2007, with respect to the dependent described in subsection (a). The credit for such a taxpayer for expenditures made with respect to the dependent after June 30, 2007, is equal to the lesser of:

- (1) the qualified education expenditures of the taxpayer; or
- (2) the following amount per taxpayer:

Taxable Year Ending In	Amount
2008 and 2009	\$500
2010 and 2011	\$1,000
2012 and 2013	\$1,500
2014 and 2015	\$2,000
2016 and 2017	\$2,500
2018	\$3,000

(c) Before December 1 each year, the department shall provide to the department of education the number of dependents who qualify a taxpayer for a credit under this section. The department of education shall reduce the next six (6) distributions of tuition support on a statewide average basis by the amount of the credits granted under this section for the previous calendar year. The calendar year cap under IC 21-3-1.7-9 shall be reduced for that calendar year by the same amount.

(d) This section expires for taxable years ending after 2018.

Sec. 9. (a) Before December 1 each year, the department shall provide to the department of education the number of dependents who qualify a taxpayer for a credit under section 7 of this chapter who have legal settlement in each school corporation.

(b) Notwithstanding the state tuition support formula and laws governing the counting of pupils in ADM, if a dependent:

- (1) qualifies a taxpayer for a credit under this chapter; and
- (2) is not already being counted in ADM of the school corporation in which the dependent has legal settlement;

the department of education shall for tuition support distributions count the dependent in the ADM of the school corporation in which the dependent has legal settlement. However, when making the distribution to that school corporation, the department of education shall subtract from the total of all components of state tuition support and categorical grants, except special education grants, the average amount per ADM for the distribution.

(c) This section applies to a school corporation for purposes of calculating tuition support distributions regardless of how the scholarship student might otherwise be treated under the school funding formula.

Sec. 10. The department shall develop a process and create forms that will:

- (1) permit the taxpayer to assign credits under this chapter to the school of choice in which the taxpayer's dependent is enrolled; and
- (2) allow the school that receives an assignment of credits to claim and receive the amount of the credit as soon as the taxpayer has filed the required income tax return for the taxable year.

Sec. 11. If the amount of the credit provided by this chapter that a taxpayer uses during a particular taxable year exceeds the sum of the taxes imposed on the taxpayer by IC 6-3 for the taxable year after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter, the excess shall be returned to the taxpayer as a refund.

Sec. 12. Acceptance by a taxpayer of a credit for qualified education expenditures for a dependent under this chapter does not provide any governmental entity or agency of the state with jurisdiction, authority, or control over the dependent's educational provider.

SECTION 2. IC 20-3.1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

##### Chapter 16. Freedom to Achieve Scholarship Program

Sec. 1. As used in this chapter, "ADM" has the meaning set forth in IC 21-3-1.6-1.1 and includes adjusted ADM.

Sec. 2. As used in this chapter, "eligible student" means a student who meets the requirements of section 6 of this chapter.

Sec. 3. As used in this chapter, "school of choice" means a nonpublic school (as defined in IC 20-10.1-1-3) or a public school (as defined in IC 20-10.1-1-2) in which a dependent is enrolled but that is not the dependent's school of legal settlement for purposes of the general school tuition support formula, if the school:

- (1) is accredited by the state of Indiana or a national accrediting body;
- (2) is not required to provide supplemental educational services for its students or to institute corrective action under 20 U.S.C. 6316;
- (3) complies with all health and safety laws that apply to public or nonpublic schools, respectively;
- (4) holds a valid occupancy permit if required; and
- (5) certifies that it will not discriminate in admissions on the basis of race, color, or national origin.

Sec. 4. As used in this chapter, "scholarship" refers to the scholarship established by section 5 of this chapter.

Sec. 5. There is established the freedom to achieve scholarship program to assist parents and guardians to pay the costs of their child attending a school of choice.

Sec. 6. A student who meets the following requirements is eligible for a scholarship for a school year:

- (1) The student was enrolled in a public school during the school year preceding the first school year for which a scholarship is sought.
- (2) The public school attended by the student under subdivision (1) was either required to provide supplemental educational services for the student or was required to institute corrective action under 20 U.S.C. 6316 for the year the student attended the public school.
- (3) The student has legal settlement in a school corporation located in Indiana.
- (4) The student is enrolled in a school of choice for the school year for which a scholarship is sought.

Sec. 7. The parent or guardian of an eligible student seeking a scholarship must apply to the department. The department shall prescribe the form of the application. The application must be filed after June 15 and before July 16 for a scholarship for the upcoming school year. The department shall make a determination whether an applicant has an eligible student within thirty (30) days after the application is filed. The amount of the scholarship for each eligible student is the lesser of:

- (1) the cost of tuition, textbooks, and other mandatory fees, not including fees for extracurricular activities, charged by the school of choice for the eligible student; or
- (2) the sum of the average amount per ADM with respect to the public school in which the dependent is eligible for enrollment for:

- (A) all components of state tuition support and categorical grants, except special education grants; plus
- (B) the ad valorem property taxes for the school corporation's general fund;

for the school year for which the scholarship applies. The department shall provide the full scholarship amount by paying equal installments to the school of choice at the same times the department makes a tuition support distribution to the public school in which the eligible student has legal settlement. If an eligible student withdraws from a school of choice, the school of choice shall notify the department within ten (10) days. The department shall thereafter terminate payments to the school of choice for that student.

Sec. 8. To receive a scholarship distribution, a school of choice must agree with the department to do the following:

- (1) Determine before enrolling any potential scholarship students the specific number of scholarship students that will be admitted, and, if applicants under the program exceed the determined number of spaces available at any particular grade level, conduct a random selection process to determine those students that are admitted to that grade

level. Exceptions to this random selection may be made to accommodate siblings of students who are already enrolled or selected for enrollment in the school.

(2) Not charge any tuition or other fees in excess of the scholarship amount.

(3) Not charge any tuition or other fees under the scholarship program that exceed the standard rates charged to other students who pay tuition to enroll in the school.

(4) Not refund, rebate, or share a student's scholarship with a parent or the student in any manner.

(5) Use a student's scholarship only for educational purposes.

(6) Provide regular academic progress reports to the parents of students enrolled under the scholarship program.

Sec. 9. (a) Notwithstanding the state tuition support formula and laws governing the counting of pupils in ADM, an eligible student who:

- (1) is provided a scholarship under this chapter; and
- (2) is not already being counted in ADM of the school corporation in which the dependent has legal settlement;

shall for purposes of calculating tuition support distributions, continue to count in the ADM of the school corporation in which the dependent has legal settlement. However, when making tuition support distributions to that school corporation, the department shall reduce the amount to be distributed.

(b) If the amount determined under section 7(1) of this chapter is greater than the amount determined under section 7(2) of this chapter, the reduction under subsection (a) for each scholarship student is the amount determined under section 7(2) of this chapter. Otherwise, the reduction is the greater of the amount determined under:

- (1) section 7(1) of this chapter; or
- (2) section 7(2)(A) of this chapter.

(c) Fifty percent (50%) of the reduction shall be applied to the October distribution to the school corporation and the remaining fifty percent (50%) shall be applied to the distribution in the following June.

(d) This section applies to a school corporation for purposes of calculating tuition support distributions regardless of how the scholarship student might otherwise be treated under the school funding formula.

Sec. 10. An amount sufficient to provide scholarships and grants under this chapter shall be paid from the state general fund.

SECTION 3. [EFFECTIVE JULY 1, 2005] IC 6-3.1-29, as added by this act, applies to taxable years beginning after December 31, 2005.

(Reference is to HB 1009 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 5.

BORROR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 16, nays 0.

AYRES, Vice Chair

Report adopted.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HINKLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1073, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 30, reset in roman "The identity of any person who contacts the bureau of motor "

Page 4, reset in roman line 31.

Page 4, line 32, reset in roman "vehicle safety and".

Page 4, line 32, delete "The" and insert "the".

Page 6, between lines 8 and 9, begin a new line block indented and insert:

**"(21) The following personal information about a complainant contained in records of a law enforcement agency:**

**(A) Telephone number.**

**(B) Address.**

**(C) Social Security number."**

Page 6, after line 20, begin a new paragraph and insert:

"SECTION 2. IC 9-14-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The board shall provide the commissioner with assistance in the administration of Indiana driver licensing laws, including:

- (1) providing guidance to the commissioner in the area of licensing drivers with health or other problems that may adversely affect a driver's ability to operate a vehicle safely;
- (2) recommending factors to be used in determining qualifications and ability for issuance and retention of a driver's license; and
- (3) recommending and participating in the review of license suspension, restriction, or revocation appeal procedures, **including reasonable investigation into the facts of the matter.**

SECTION 3. IC 9-24-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) If the bureau has good cause to believe that a licensed ~~operator or chauffeur driver~~ is:

- (1) incompetent; or
- (2) otherwise not qualified to be licensed;

the bureau may, upon written notice of at least five (5) days, require the licensed ~~operator or chauffeur driver~~ to submit to an examination. **The bureau also may conduct a reasonable investigation of the driver's continued fitness to operate a motor vehicle safely, including requesting medical information from the driver or the driver's health care sources.**

(b) Upon the conclusion of an examination ~~or investigation~~ under this section, the bureau:

- (1) shall take appropriate action; and
- (2) may:
  - (A) suspend or revoke the license of the licensed ~~operator or chauffeur driver~~;
  - (B) permit the licensed ~~operator or chauffeur driver~~ to retain the license of the licensed ~~operator or chauffeur driver~~; or
  - (C) issue a **restricted** license subject to restrictions considered necessary in the interest of public safety.

(c) If a licensed ~~operator or chauffeur driver~~ refuses or neglects to submit to an examination under this section, the bureau may suspend or revoke the license of the licensed ~~operator or chauffeur driver~~. **The bureau may not suspend or revoke the license of the licensed driver until a reasonable investigation of the driver's continued fitness to operate a motor vehicle safely has been made by the bureau.**

(d) A licensed ~~operator or chauffeur driver~~ may appeal an action

taken by the bureau under this section to the circuit court or superior court of the county in which the licensed ~~operator or chauffeur driver~~ resides."

(Reference is to HB 1073 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DUNCAN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BECKER, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1091, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete ";" and insert ", **unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;**".

(Reference is to HB 1091 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-33-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are** established ~~a court~~ **two (2) courts** of record to be known as the:

**(1) Dearborn superior court No. 1; and**

**(2) Dearborn superior court No. 2.**

(b) ~~The Each~~ Dearborn superior court is a standard superior court as described in IC 33-29-1.

(c) Dearborn County comprises the judicial district of ~~the each~~ superior court.

SECTION 2. IC 33-33-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The Each~~ Dearborn superior court has one (1) judge who shall hold sessions in:

**(1) the Dearborn County courthouse in Lawrenceburg; or in**

**(2) other places in the county as the Dearborn County executive may provide.**

SECTION 3. IC 33-33-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. In addition to a bailiff and an official court reporter for the court appointed under IC 33-29-1-5, ~~the each~~ judge may appoint a referee, a commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, a commissioner, or other person:

**(1) shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court; and**

**(2) shall be paid monthly out of the treasury of Dearborn County as provided by law.**

Personnel appointed under this section or IC 33-29-1-5 continue in office until removed by the judge of the court **for which the personnel were appointed.**

SECTION 4. IC 33-33-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as

provided in subsection (b), ~~the each~~ Dearborn superior court has the same jurisdiction as the Dearborn circuit court.

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.

SECTION 5. IC 33-33-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ Dearborn superior court has a standard small claims and misdemeanor division.

SECTION 6. IC 33-33-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ are established ~~a court two (2) courts~~ of record to be known as the:

(1) DeKalb superior court No. 1; and

(2) DeKalb superior court No. 2.

(b) ~~The Each~~ DeKalb superior court is a standard superior court as described in IC 33-29-1.

(c) DeKalb County comprises the judicial district of ~~the each~~ superior court.

SECTION 7. IC 33-33-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The Each~~ DeKalb superior court has one (1) judge who shall hold sessions in:

(1) the DeKalb County courthouse in Auburn; or

(2) other places in the county as the board of county commissioners of DeKalb County may provide.

SECTION 8. IC 33-33-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If:

(1) ~~the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding received by the clerk of the circuit and superior courts of DeKalb County on a change of venue from another county; contains and~~

(2) ~~the papers described in subdivision (1) contain an order of the court from which venue was changed designating the circuit court or one (1) of the superior court courts as the court to which the case is to be transferred;~~

the clerk shall file the action or proceeding on the docket of the designated court.

(b) If:

(1) ~~the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding does on a change of venue from another county; and~~

(2) ~~the papers described in subdivision (1) do not contain an order designating the court to which the case is to be transferred;~~

the clerk shall alternately file each action or proceeding on the docket of the circuit court ~~and or~~ the docket of ~~one (1) of the superior court;~~ courts, depending on the order and sequence in which the papers of the cases reach the clerk, so that if the first case is assigned to the circuit court, the next must be assigned to the superior court No. 1, ~~and the next must be assigned to the superior court No. 2.~~

SECTION 9. IC 33-33-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ DeKalb superior court has the same jurisdiction as the DeKalb circuit court.

SECTION 10. IC 33-33-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~The Each~~ DeKalb superior court has a standard small claims and misdemeanor division.

SECTION 11. IC 33-33-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There are established ~~five (5) six (6)~~ superior courts of record to be known as the:

(1) Hamilton superior court No. 1; ~~the~~

(2) Hamilton superior court No. 2; ~~the~~

(3) Hamilton superior court No. 3; ~~the~~

(4) Hamilton superior court No. 4; ~~and the~~

(5) Hamilton superior court No. 5; ~~and~~

(6) Hamilton superior court No. 6.

(b) Except as otherwise provided in this chapter, each Hamilton superior court is a standard superior court as described in IC 33-29-1.

(c) Hamilton County constitutes the judicial district of each court.

SECTION 12. IC 33-33-29-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The:

(1) Hamilton superior court No. 4; ~~and the~~

(2) Hamilton superior court No. 5; ~~and~~

(3) Hamilton superior court No. 6;

~~each~~ have a standard small claims and misdemeanor division."

Page 1, between lines 5 and 6, begin a new paragraph and insert: "SECTION 14. IC 33-33-62-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There is established a court of record to be known as the Perry superior court.

(b) The Perry superior court is a standard superior court as described in IC 33-29-1.

(c) Perry County comprises the judicial district of the court.

SECTION 15. IC 33-33-62-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The Perry superior court has one (1) judge who shall hold sessions in:

(1) the Perry County courthouse in Tell City; or

(2) other places in the county as the board of county commissioners of Perry County may provide.

SECTION 16. IC 33-33-62-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The Perry superior court has the same jurisdiction as the Perry circuit court.

SECTION 17. IC 33-33-62-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The Perry superior court has a standard small claims and misdemeanor division.

SECTION 18. IC 33-33-84-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. There is established a court of record to be known as the Vigo superior court. The superior court has ~~four (4) five (5)~~ judges who shall hold their office for six (6) years and until their successors have been elected and qualified.

SECTION 19. IC 33-33-17-5 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 20. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding the amendment of IC 33-33-15 by this act, the Dearborn superior court No. 2 is not established until January 1, 2006.

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the Dearborn superior court No. 2 established by IC 33-33-15-2, as amended by this act, before January 1, 2006.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2006, and ends December 31, 2006.

(d) The initial election of the judge of the Dearborn superior court No. 2 is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(e) This SECTION expires January 2, 2007.

SECTION 21. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding the amendment of IC 33-33-17 by this act, the DeKalb superior court No. 2 is not established until January 1, 2006.

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the DeKalb superior court No. 2 added by IC 33-33-17-2, as amended by this act.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2006, and ends December 31, 2006.

(d) The initial election of the judge of the DeKalb superior court No. 2 is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(e) Notwithstanding the repeal of IC 33-33-17-5 by this act, the part-time small claims referee appointed under IC 33-33-17-5 shall continue to assist the DeKalb superior court in the exercise of its small claims jurisdiction until December 31, 2005.

(f) This SECTION expires January 2, 2007.

SECTION 22. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 33-33-29-2, as amended by this act, the Hamilton superior court No. 6 is not established until January 1, 2007.

(b) Notwithstanding IC 33-33-29-8, as amended by this act, the Hamilton superior court No. 6 does not have a standard small claims and misdemeanor division until January 1, 2007.

(c) The initial election of the judge of the Hamilton superior court No. 6 established in IC 33-33-29-2, as amended by this act, is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(d) This SECTION expires January 2, 2007."

Page 2, after line 1, begin a new paragraph and insert:

"SECTION 24. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 33-33-62-2, as added by this act, the Perry superior court is not established until January 1, 2006.

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the Perry superior court established by IC 33-33-62-2, as added by this act.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2006, and ends December 31, 2006.

(d) The initial election of the judge of the Perry superior court is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(e) This SECTION expires January 2, 2007.

SECTION 25. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 33-33-84-3, as amended by this act, the Vigo superior court is not expanded to five (5) judges until January 1, 2006.

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to the Vigo superior court by IC 33-33-84-3, as amended by this act.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2006, and ends December 31, 2006.

(d) The initial election of the judge of the Vigo superior court added by IC 33-33-84-3, as amended by this act, is the general election in November 2006. The term of the initially elected judge begins January 1, 2007.

(e) This SECTION expires January 2, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1121 as printed January 28, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "safety," insert **"energy conservation, energy efficiency,"**

Page 2, line 26, delete "energy efficiency and conservation." and insert **"energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:**

**(A) residential;**

**(B) single and multiple family dwelling; or**

**(C) commercial;**

**building codes."**

(Reference is to HB 1124 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 35, after "least" insert ":

**(1) the pre-basic training course established under IC 5-2-1-9(f); and**

**(2)".**

Page 5, line 41, delete "2010," and insert **"2008,"**

Page 5, line 41, after "least" insert ":

**(1) the pre-basic training course established under IC 5-2-1-9(f); and**

**(2)".**

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2005] (a) An individual appointed as a school corporation police officer before January 1, 2005, must commence the training and education required

under IC 20-5-2-9(c), as added by this act, not later than January 1, 2006. However, an individual who is unable to commence the training and education not later than January 1, 2006, due to the existence of a waiting list for the training education must commence the training and education as soon as possible after January 1, 2006.

(b) An individual appointed as a school corporation police officer after December 31, 2004, and before July 1, 2005, must commence the training and education required under IC 20-5-2-9(c), as added by this act, not later than one (1) year after the individual's appointment. However, an individual who is unable to commence the training and education within one (1) year of the individual's appointment due to the existence of a waiting list for the training and education must commence the training and education as soon as possible after the expiration of the one (1) year period.

(c) Notwithstanding IC 20-5-2-9(c), as added by this act, an individual appointed as a school corporation police officer before July 1, 2005, who is unable to complete the training and education required under IC 20-5-2-9(c), as added by this act, not later than July 1, 2008, due to the existence of a waiting list for the training and education must complete the training and education as soon as possible after July 1, 2008.

(d) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to HB 1170 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, after "(a)" insert **"A person may not be automatically excused from acting as a juror under this chapter."**

Page 3, line 13, delete "person:" and insert **"person requests to be excused before being sworn as a juror and:"**

Page 3, strike line 14.

Page 3, line 15, strike "(2)" and insert **"(1)"**.

Page 3, line 17, strike "(3)" and insert **"(2)"**.

Page 3, line 24, strike "(4)" and insert **"(3)"**.

Page 3, line 26, strike "(5)" and insert **"(4)"**.

Page 3, line 28, strike "(6)" and insert **"(5)"**.

Page 3, line 34, delete "(7)" and insert **"(6)"**.

Page 3, line 36, delete "(8)" and insert **"(7)"**.

Page 3, line 41, delete "(A);" and insert **"(A)."**

Page 3, line 42, strike "and".

Page 3, line 42, delete "requests to be excused".

Page 4, delete line 1.

Page 4, line 2, after "(b)" insert **"A person may not be automatically deferred from jury service under this section."**

Page 4, line 3, delete "postpone" and insert **"defer"**.

Page 4, line 4, delete "time." and insert **"time upon a showing of hardship, extreme inconvenience, or necessity."**

Page 4, line 5, delete "postponement" and insert **"deferral"**.

Page 4, line 7, delete "postponement." and insert **"deferral."**

Page 4, line 8, delete "postponement" and insert **"deferral"**.

Page 4, line 16, delete "six (6) months" and insert **"one (1) year"**.

Page 4, between lines 19 and 20, begin a new line block indented and insert:

**"(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:**

**(A) hardship;**

**(B) extreme inconvenience; or**

**(C) necessity."**

Page 6, line 24, delete "one (1) year." and insert **"two (2) years unless all nonexempt individuals for jury service compiled under section 3 of this chapter have been called."**

Page 6, line 42, delete "five (5)" and insert **"ten (10)"**.

Page 7, line 11, delete "postponement" and insert **"deferral"**.

Page 9, line 1, after "(c)" insert **"A person may not be automatically deferred from jury service under this section."**

Page 9, line 2, delete "postpone" and insert **"defer"**.

Page 9, line 3, delete "time." and insert **"time upon a showing of hardship, extreme inconvenience, or necessity."**

Page 9, line 4, delete "postponement" and insert **"deferral"**.

Page 9, line 6, delete "postponement." and insert **"deferral."**

Page 9, line 7, delete "postponement" and insert **"deferral"**.

Page 9, line 15, delete "six (6) months" and insert **"one (1) year"**.

Page 9, between lines 18 and 19, begin a new line block indented and insert:

**"(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:**

**(A) hardship;**

**(B) extreme inconvenience; or**

**(C) necessity."**

Page 10, line 1, delete "one (1)" and insert **"two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called."**

Page 10, delete line 2.

Page 10, line 20, delete "five (5)" and insert **"ten (10)"**.

Page 10, line 30, delete "postponement" and insert **"deferral"**.

Page 11, line 40, after "(a)" insert **"A person may not be automatically excused from jury service under this chapter."**

Page 11, line 41, delete "service:" and insert **"service but must request to be excused from jury service before being sworn in as a juror:"**.

Page 12, line 18, after "(b)" insert **"A person may not be automatically deferred from jury service under this section."**

Page 12, line 19, delete "postpone" and insert **"defer"**.

Page 12, line 20, delete "time." and insert **"time upon a showing of hardship, extreme inconvenience, or necessity."**

Page 12, line 21, delete "postponement" and insert **"deferral"**.

Page 12, line 23, delete "postponement." and insert **"deferral."**

Page 12, line 24, delete "postponement" and insert **"deferral"**.

Page 12, line 32, delete "six (6) months" and insert **"one (1) year"**.

Page 12, between lines 35 and 36, begin a new line block indented and insert:

**"(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:**

**(A) hardship;**

**(B) extreme inconvenience; or**

**(C) necessity."**

Page 13, line 6, delete "one (1) year." and insert **"two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called."**

Page 13, line 24, delete "five (5)" and insert **"ten (10)"**.

Page 13, line 35, delete "postponement" and insert **"deferral"**.

(Reference is to HB 1174 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1282, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 17, delete "treasurer" and insert **"auditor"**.

(Reference is to HB 1282 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1294, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 7, delete "one" and insert **"two"**.

Page 3, line 7, delete "\$100)" and insert **"(\$200)"**.

(Reference is to HB 1294 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FOLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 36-4-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:**

(1) Territory that is contiguous to the municipality.

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated airport or landing field.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However, if territory annexed under this subsection ceases to be used as a municipally owned or regulated sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

(1) more than seventy-three thousand (73,000) but less than seventy-four thousand (74,000);

(2) more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000);

(3) more than seventy thousand (70,000) but less than seventy-one thousand (71,000);

(4) more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

- (5) more than forty thousand nine hundred (40,900) but less than forty-one thousand (41,000);
- (6) more than thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000);
- (7) more than thirty thousand (30,000) but less than thirty thousand seven hundred (30,700);
- (8) more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000); or
- (9) more than ~~two hundred thousand (200,000)~~ **one hundred eighty-two thousand seven hundred ninety (182,790)** but less than three hundred thousand (300,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

- (1) annexing additional territory:
  - (A) in a county that is not described by clause (B); or
  - (B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;
- (2) expanding the municipality's extraterritorial jurisdictional area; or
- (3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex territory that:

- (1) is not contiguous to the city;
- (2) has its entire area not more than eight (8) miles from the city's boundary;
- (3) does not extend more than:
  - (A) one and one-half (1 ½) miles to the west;
  - (B) three-fourths (¾) mile to the east;
  - (C) one-half (½) mile to the north; or
  - (D) one-half (½) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1297 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

HINKLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 18, nays 1.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1351, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 0.

BUELL, Chair of Budget Subcommittee

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1381, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning waste tires.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-23-5.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

- (1) "board" means the Indiana recycling and energy development board created by this chapter;
- (2) "department" means the department of commerce; ~~and~~
- (3) "director" refers to the director of the office of energy policy of the department; ~~and~~
- (4) "waste tire" means:
  - (A) a whole tire that:
    - (i) is not suitable for the tire's original purpose; and
    - (ii) has a volume of not more than four (4) cubic feet; or
  - (B) one (1) or more tires that:
    - (i) have been shredded, ground, or otherwise altered; and

- (ii) have a combined weight of not more than twenty-five (25) pounds or total volume of not more than one and one-quarter (1.25) cubic feet.

SECTION 2. IC 4-23-5.5-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) The waste tire assistance fund is established. The purpose of the fund is to promote and assist waste tire collection, reuse, and recycling throughout Indiana. The fund shall be administered by the board.

- (b) Sources of money for the fund consist of the following:

- (1) Fees collected under IC 9-21-1-4.5.
- (2) Repayment proceeds of loans made from the fund.
- (3) Gifts and donations.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

- (d) The board shall use money in the fund to do the following:

- (1) Make forgivable loans to assist persons that derive a beneficial use from waste tires. When the board makes a loan to a person under this subdivision, the loan must require the board to subtract fifteen cents (\$0.15) from the amount of the loan for each waste tire used by the person. The board shall establish loan:

- (A) amounts;
- (B) terms; and
- (C) interest rates.

(2) Reimburse solid waste management districts established under IC 13-21-3-1 that conduct waste tire collection days. The board shall establish criteria for reimbursing solid waste management districts under this subdivision.

(3) Provide incentive payments and reimbursements for waste tire processors and waste tire end users that use waste tires for a beneficial purpose. The board shall establish criteria for paying or reimbursing persons under this subdivision. Payments and reimbursements may under this subdivision may not:

- (A) exceed twenty dollars (\$20) per ton of waste tires used by a waste tire processor or waste tire end user; and
- (B) be made to a person for:
  - (i) disposing of waste tires at a landfill; or
  - (ii) using waste tires as a daily cover for a landfill.

- (e) A:

- (1) person that wants a loan from the fund under subsection (d)(1);
- (2) solid waste management district that wants to be reimbursed from the fund under subsection (d)(2); or
- (3) person that wants an incentive payment or reimbursement from the fund under subsection (d)(3);

must file an application with the board on a form prescribed by the board.

SECTION 3. IC 9-29-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except as provided in sections 2, through 3, 4, and 4.5 of this chapter, all money collected by the bureau under IC 9-14-5, IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-11, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, and IC 9-24-14 shall be deposited daily with the treasurer of state and credited to the motor vehicle highway account established under IC 8-14-1.

SECTION 4. IC 9-29-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) A waste tire fee of one dollar (\$1) is imposed. The waste tire fee shall be collected in addition to all registration fees collected under IC 9-18.

(b) Money collected under subsection (a) shall be deposited as follows:

- (1) Eighty percent (80%) shall be deposited in the waste tire assistance fund established by IC 4-23-5.5-17.
- (2) Twenty percent (20%) shall be deposited in the waste tire management fund established by IC 13-20-13-8(a).

SECTION 5. IC 13-11-2-231 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 231. (a) "Tire", for purposes of:

- (1) IC 13-20-13, except as provided in subsection (b); and
- (2) IC 13-20-14;

means a continuous solid or pneumatic rubber covering that is designed to encircle a wheel of a motor vehicle (as defined in IC 9-13-2-105(a)).

(b) "Fire", for purposes of IC 13-20-13-7, means a continuous solid or pneumatic rubber covering that is designed to encircle a wheel of a vehicle.

SECTION 6. IC 13-11-2-245 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

- (1) Farm tractors.
- (2) Implements of husbandry.
- (3) Farm tractors used in transportation.
- (4) Mobile homes (house trailers).
- (5) Trailers weighing not more than three thousand (3,000) pounds.
- (6) Antique motor vehicles.

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include the following:

- (1) A lawn and garden tractor that is propelled by a motor of not more than twenty (20) horsepower.
- (2) A semitrailer.

(e) (d) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196."

Page 2, delete lines 1 through 9.

Page 2, line 38, strike "section 7 of this chapter."

Page 2, line 41, after "projects." insert "IC 9-21-1-4.5."

Page 3, after line 18, begin a new paragraph and insert:

"SECTION 8. IC 13-20-13-7 IS REPEALED [EFFECTIVE JULY 1, 2005]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1381 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

WOLKINS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1383, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "Subject to subsections (c) and (d), a" and insert "A".

Page 2, delete lines 2 through 27.

Page 2, line 35, delete "Subject to subsections (c) and (d), rules" and insert "Rules".

Page 3, delete lines 4 through 30.

Page 3, line 35, delete "Subject to subsections (d) and (e), the" and insert "The".

Page 4, delete lines 36 through 42.

Delete page 5.

(Reference is to HB 1383 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

WOLKINS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill do pass.

Committee Vote: yeas 15, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1452, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, delete "a" and insert "**an initial**".

Page 2, line 11, delete "level," and insert "**level to an undergraduate individual seeking an initial teaching license,**".

Page 2, line 11, delete "an" and insert "**the**".

Page 2, line 17, delete "and".

Page 2, line 19, delete "." and insert "**;** **and**".

Page 2, between lines 19 and 20, begin a new line double block indented and insert:

**"(C) the Heimlich maneuver."**

Page 2, line 38, after "performs" insert "**;**

**(A)**".

Page 2, line 38, after "resuscitation" insert "**;** **or**

**(B) the Heimlich maneuver;**".

Page 2, line 38, beginning with "on" begin a new line block indented.

Page 3, after line 2, begin a new paragraph and insert:

**"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-6.1-3-3(c), as amended by this act, a college or university located in Indiana may recommend to a person who has been accepted in a teacher training program before July 1, 2005, that the person should meet the requirements of IC 20-6.1-3-3(c), as amended by this act.**

**(b) This SECTION expires June 30, 2007.**

**SECTION 4. An emergency is declared for this act."**

(Reference is to HB 1452 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1454, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

(Reference is to HB 1454 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1478, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1496, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill do pass.

Committee Vote: yeas 15, nays 2.

BUELL, Chair of Budget Subcommittee

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1556, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning anatomical gifts.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 29-2-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:** Sec. 1. Except where the context clearly indicates a different meaning, the terms used in this chapter shall be construed as follows:

(a) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of ~~his~~ **the decedent's** body.

(d) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state. **The term** includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(e) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids, and any other portions of a human body.

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

**(h) "Procurement organization" means an organization qualified to recover anatomical gifts from donors.**

~~(i)~~ **(i)** "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

**SECTION 2. IC 29-2-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:** Sec. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; ~~or~~

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; ~~or~~

(3) any ~~bank~~ **procurement organization** or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by ~~him~~ **the individual**."

Page 1, line 2, strike "(a)".

Page 1, line 2, strike "may".

Page 1, line 3, strike "release and permit" and insert "**shall facilitate permission for**".

Page 1, line 3, strike "a part of the body" and insert "**organs, tissues, or eyes**".

Page 1, line 6, strike "for a part".

Page 1, strike lines 8 through 17.

Page 2, strike line 1.

Page 2, line 2, strike "individual described in section 4(e) of this chapter,".

Page 2, line 2, delete "or".

Page 2, line 3, delete "(C) a person described".

Page 2, line 3, strike "under IC 36-2-14-19".

Page 2, strike lines 4 through 17, begin a new line block indented

and insert:

**"(2) The medical examiner or pathologist allows the removal of the organs, tissues, or eyes. If the medical examiner or pathologist considers withholding one (1) or more organs or tissues of a potential donor, the medical examiner or pathologist:**

**(A) shall be present during the removal of the organs or tissues;**

**(B) may request a biopsy of the removed organs; and**

**(C) after viewing the removed organs or tissues and determining that removal may interfere with the death investigation, may prohibit removal and shall provide a written explanation to the procurement organization.**

**If it is determined that prior removal will interfere with the death investigation, the procurement organization may remove the tissues and eyes after the autopsy.**

**(3) If the medical examiner or pathologist is required to be at the hospital to examine the decedent before or during the removal of the organs, the procurement organization shall reimburse the county or an entity designated by the county for actual costs but the amount may not exceed one thousand dollars (\$1,000).**

**(4) If requested by the medical examiner or pathologist, the person who removes the organs for the procurement organization shall provide a report detailing the condition of the organs and the relationship of the organs to the cause of death, if any."**

Page 2, between lines 17 and 18, begin a new paragraph and insert:  
**"SECTION 4. IC 29-2-16-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) Except for a gift made by a donor to a specific donee, a procurement organization that holds an agreement with a hospital to perform anatomical gift donation services for the hospital under 42 U.S.C. 1329b-8 and 42 CFR Part 482 is considered to be the donee of all gifts from patients who have died in the hospital.**

**(b) An investigation by a coroner or a medical examiner does not change the rights of a procurement organization to act as the donee."**

Page 2, delete lines 18 through 42.

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1556 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1567, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1573, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 9 through 42.

Delete pages 3 through 4.

Page 5, delete lines 1 through 23.

Page 24, line 17, delete "IC 9-13-2-77(b), as added" and insert **"IC 9-13-2-77, as amended"**.

Page 24, line 19, delete "IC 9-13-2-77(b), as added" and insert **"IC 9-13-2-77, as amended"**.

Page 24, line 22, delete "IC 9-13-2-77(b)," and insert **"IC 9-13-2-77,"**

Page 24, line 23, delete "added" and insert **"amended"**.

Page 24, line 33, delete "(a)" and insert **"(a)"**.

Page 25, line 2, delete "(a)" and insert **"(a)"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1573 as printed February 2, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1574, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "disabled" insert **":"**.

Page 2, delete lines 11 through 12, begin a new line block indented and insert:

**"(1) before July 2, 1990, shall be increased by two percent (2%); and**

**(2) after July 1, 1990, and before January 1, 2005, shall be increased by one and one-half percent (1.5%)."**

(Reference is to HB 1574 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1583, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this section, "aggressive driving" means one (1) episode of continuous driving of a vehicle by a person:**

**(1) that results in:**

**(A) bodily injury to another person; or**

**(B) property damage to the vehicle of another person; and**

**(2) during which at least three (3) of the following acts occur:**

**(A) Following a vehicle too closely in violation of IC 9-21-8-14.**

**(B) Unsafe operation of a vehicle in violation of IC 9-21-8-24.**

**(C) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.**

**(D) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.**

**(E) Unnecessary sounding of the horn in violation of IC 9-19-5-2.**

**(F) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.**

**(G) Failure to obey a traffic control device in violation of IC 9-21-8-41.**

**(H) Driving at an unsafe speed in violation of IC 9-21-5.**

**(I) Repeatedly flashing the vehicle's headlights.**

**(b) As used in this section, "hazing" means forcing or requiring another person:**

**(1) with or without the consent of the other person; and**

**(2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.**

**(b) (c) A person who recklessly, knowingly, or intentionally performs:**

**(1) an act that creates a substantial risk of bodily injury to another person; or**

**(2) hazing;**



commits criminal recklessness. Except as provided in ~~subsection (c),~~ **subsections (d) and (e),** criminal recklessness is a Class B misdemeanor.

~~(c)~~ **(d)** The offense of criminal recklessness as defined in subsection ~~(b)~~ **(c)** is:

- (1) a Class A misdemeanor if:
  - (A)** the conduct includes the use of a vehicle; or
  - (B) the person engaged in aggressive driving;**
- (2) a Class D felony if it is committed while:
  - (A)** armed with a deadly weapon; or
  - (B) the person engaged in aggressive driving and caused serious bodily injury to another person; or**
- (3) a Class C felony if:
  - (A)** it is committed by shooting a firearm ~~from a vehicle~~ into an inhabited dwelling or other building or place where people are likely to gather; or
  - (B) it:**
    - (i) is committed while the person engaged in aggressive driving; and**
    - (ii) caused the death of another person.**

~~(d)~~ **(e)** A person who recklessly, knowingly, or intentionally:

- (1) inflicts serious bodily injury on another person; or
- (2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

~~(e)~~ **(f)** A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

- (1) makes a report of hazing in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
- (3) employs a reporting or participating person described in subdivision (1) or (2); or
- (4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

~~(f)~~ **(g)** A person described in subsection ~~(e)~~ **(f)** ~~(1)~~ or ~~(e)~~ **(2)** ~~(f)~~ **(2)** is presumed to act in good faith.

~~(g)~~ **(h)** A person described in subsection ~~(e)~~ **(f)** ~~(1)~~ or ~~(e)~~ **(2)** ~~(f)~~ **(2)** may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

- (1) an offense under this section; or
- (2) a delinquent act that would be an offense under this section if the offender was an adult.

**SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-42-2-2, as amended by this act, applies only to offenses committed after June 30, 2005.**

(Reference is to HB 1583 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1584, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 16, nays 2.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1599, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 25-33-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:** Sec. 9. (a) The board shall issue a license to practice psychology to an individual who:

- (1) applies in the manner required by the board;
- (2) pays a fee;
- (3) is at least eighteen (18) years of age;
- (4) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;
- (5) holds, at the time of application, a valid license or certificate as a psychologist from another state;
- (6) possesses a doctoral degree from a recognized institution of higher learning;
- (7) has successfully completed:
  - (A) a degree program that would have been approved by the board at the time the individual was licensed or certified in the other state; or
  - (B) if the individual was licensed or certified in the other state before July 1, 1969, a degree program that satisfied the educational requirements of the board in effect January 4, 1971;
- (8) has practiced psychology continuously since being licensed or certified;
- (9) if the individual was licensed or certified by the other state:
  - (A) after September 30, 1972, has taken the Examination for the Professional Practice of Psychology and achieved the passing score required by the board at the time the examination was administered; or
  - (B) before January 1, 1990, and the other state required an examination other than the Examination for the Professional Practice of Psychology, achieved a passing score in the other state at the time of licensure or certification;**
- (10) has passed an examination administered by the board that covers Indiana law related to the practice of psychology; and
- (11) is not in violation of this chapter or rules adopted under this chapter.

(b) The board may adopt rules under IC 4-22-2 concerning the issuance of a license under this section.

**SECTION 2. IC 25-35.6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:** Sec. 2. (a) As used in this article, "board" means the speech-language pathology and audiology board established by this article.

(b) As used in this article, "person" means any individual, organization, or corporate body, except that only an individual may be licensed under this article.

(c) As used in this article, "speech-language pathologist" means an individual who practices speech-language pathology and who presents himself to the public by any title or description of services incorporating the words speech pathologist, speech-language pathologist, speech therapist, **speech-language specialist, teacher of communication disorders,** speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, voice therapist, voice pathologist, or any similar title or description of service.

(d) As used in this article, "speech-language pathology" means the application of nonmedical and nonsurgical principles, methods, and procedures for the ~~measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals:~~ **following:**

- (1) The prevention, evaluation, habilitation, rehabilitation, instruction, and research of communication and swallowing disorders.**
- (2) The elective modification of communication behaviors.**
- (3) The enhancement of communication, including the use of augmentative or alternate communication strategies.**

(e) As used in this article, "audiologist" means an individual who practices audiology and who presents himself to the public by any title or description of services incorporating the words audiologist,

hearing clinician, hearing therapist, **hearing specialist, audiometrist, audioprosthologist, vestibular specialist**, or any similar title or description of service.

(f) As used in this article, "audiology" means the application of ~~nonmedical and nonsurgical~~ principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals: **prevention, evaluation, habilitation, rehabilitation, instruction, and research of disorders of hearing, auditory function, and vestibular function.**

(g) As used in this article, "~~speech-language pathology aide~~" "**support personnel**" means ~~an individual~~ **individuals** who ~~meets minimum~~ **meet the** qualifications which the board ~~may~~ **shall** establish for the following:

- (1) ~~Speech-language pathology aides:~~ **aide.**
- (2) ~~Speech-language pathology associate.~~
- (3) ~~Speech-language pathology assistant.~~

which qualifications shall be less than those established by this article as necessary for licensure as a ~~speech-language pathologist~~, and who works under the direct supervision of a ~~licensed speech pathologist~~:

(h) As used in this article, "~~audiology aide~~" means ~~an individual who meets minimum qualifications which the board may establish for audiology aides; which qualifications shall be less than those established by this article as necessary for licensure as an audiologist; and who works under the direct supervision of a licensed audiologist:~~ "**clinical fellowship**" means a supervised professional experience.

(i) As used in this article, "**direct supervision**" means onsite observation and guidance while an assigned evaluation or therapeutic activity is being performed.

SECTION 3. IC 25-35.6-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Nothing in this article shall be construed as preventing or restricting the following:

- (1) A physician or surgeon from engaging in the practice of medicine in this state, or a person under the supervision and control of a physician or surgeon from conducting hearing testing, provided such a person is not called an audiologist.
- (2) Any hearing aid dealer from engaging in the testing of hearing and other practices and procedures necessary for the business for which the dealer is registered in this state under IC 25-20-1.
- (3) Any person licensed or registered in this state by any other law from engaging in the profession or occupation for which the person is licensed or registered.
- (4) A person ~~who holds a valid and current credential as a speech-language or hearing specialist issued by the department of education; or a person employed as a speech-language pathologist or audiologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental or state educational organization by which the person is employed. However, such person may, without obtaining a license under this article, consult with or disseminate the person's research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which the person is employed. Such person may also offer instruction and lectures to the public for a fee; monetary or other; without being licensed under this article. Such person may additionally elect to be subject to this article.~~
- (5) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university, if:

- (A) such activities and services constitute a part of a supervised course of study; ~~and that~~
- (B) such person is designated speech-language pathology or audiology intern, speech-language pathology or audiology trainee, or by other such titles clearly indicating the training status appropriate to the person's level of training; ~~and~~
- (C) ~~the person works only under the direct supervision of a speech-language pathologist or audiologist licensed under this article.~~

(6) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university; if such activities and services constitute a part of a supervised course of study and such person is designated audiology intern, audiology trainee; or by any other such titles clearly indicating the training status appropriate to the person's level of training.

(7) (6) The activities and services of persons fulfilling the clinical experience requirement of section 5(a)(5) of this chapter, if such activities and services constitute a part of the experience required for that section's fulfillment.

(8) (7) The performance of pure tone air conduction testing by an industrial audiometric technician, as defined by federal law, who is working in an industrial hearing conservation program directed by a physician or an audiologist.

(9) (8) The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this article, if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this article, and if such person meets the qualifications and requirements for application for licensure described in sections 5(a)(1) and 5(a)(2) of this chapter. However, a person not a resident of this state who is not licensed under this article, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 5 of this chapter or who is the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language and or hearing, may offer speech-language pathology or audiology services in this state for no more than thirty (30) days in any calendar year, if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this article.

SECTION 4. IC 25-35.6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. To be eligible for licensure by the board as a speech-language pathologist, or audiologist, a speech-language pathology aide, a speech-language pathology associate, or a speech-language pathology assistant, a person must satisfy the following:

- (1) Not have been convicted of a crime that has a direct bearing on the person's ability to practice competently.
- (2) **For licensure as a speech-language pathologist:**
  - (A) possess at least a master's degree or its equivalent in the area of speech-language pathology or audiology; ~~as the case may be;~~ from an educational institution recognized by the board; and
  - (B) submit evidence of:
    - (i) a national certification in speech-language pathology that is approved by the board; or
    - (ii) satisfaction of the academic and clinical experience requirements necessary for licensure as defined in the rules of the board.
- (3) For registration as a speech-language pathology aide, possess at least a high school degree or its equivalent.
- (4) For registration as a speech-language pathology associate, possess at least an associate degree in speech-language pathology.
- (5) For registration as a speech-language pathology assistant, possess at least a bachelor's degree in speech-language pathology.
- (3) Submit to the board transcripts from one (1) or more of the educational institutions described in subdivision (2) evidencing completion of at least eighteen (18) semester hours in courses providing fundamental information applicable to the normal development of speech, hearing, and language and at least forty-two (42) semester hours in courses providing information about and practical experience in the management of speech, hearing, and language disorders, and of these forty-two (42) semester hours:
  - (A) no fewer than six (6) shall be in audiology for a person applying for licensure in speech-language pathology;
  - (B) no fewer than six (6) shall be in speech-language

pathology for a person applying for licensure in audiology;  
 (C) no more than six (6) shall be in courses providing academic credit for clinical practice;  
 (D) at least twenty-four (24); not including credits for thesis or dissertation requirements; shall be in the field for which the license is sought; and  
 (E) at least thirty (30) shall be in courses considered by the educational institution in which they are conducted as acceptable for application toward a graduate degree.

(4) Submit to the board evidence of the completion of at least three hundred (300) hours of supervised, direct clinical experience with a variety of communication disorders; which experience is received within the educational institution itself or a clinical program with which it cooperates.

(5) Submit to the board evidence of the completion of at least nine (9) consecutive months; at no less than thirty (30) hours per week; of clinical experience in the professional area (speech-language pathology and audiology) for which a license is sought. This requirement may also be fulfilled by part-time clinical experience as follows: fifteen (15) to nineteen (19) hours per week for eighteen (18) consecutive months; twenty (20) to twenty-four (24) hours per week for fifteen (15) consecutive months; or twenty-five (25) to twenty-nine (29) hours per week for twelve (12) consecutive months. The clinical experience must be under the direct supervision of and attested to in a notarized statement by a person licensed in the area (speech-language pathology or audiology) for which a license is being sought. Such clinical experience must additionally follow the completion of the requirements described in subdivisions (2), (3); and (4).

(6) Pass a written examination approved by the board.

SECTION 5. IC 25-35.6-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. To be eligible for licensure by the board as an audiologist, an individual must satisfy the following:

- (1) Not have been convicted of a crime that has a direct bearing on the individual's ability to practice competently.
- (2) Possess a doctoral degree from an accredited educational program recognized by the board.
- (3) Submit evidence of:
  - (A) a national certification in audiology that is approved by the board; or
  - (B) satisfaction of the academic and clinical experience requirements necessary for licensure as defined in the rules of the board.

SECTION 6. IC 25-35.6-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The professional standards board may issue an initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article. The professional standards board shall issue a license as a speech-language pathologist to an individual who:

- (1) is licensed as a speech-language pathologist under this article; and
- (2) requests licensure.

(b) A speech-language pathologist licensed by the professional standards board shall register with the health professions bureau all speech-language pathology support personnel that the speech-language pathologist supervises.

(c) The professional standards board may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(d) The professional standards board may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(e) An individual who:

- (1) if:
  - (A) the individual is a speech-language pathologist,

receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or  
 (B) the individual is an audiologist, works in an educational setting;

(2) has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least four (4) consecutive years; and

(3) has at least five (5) years of professional experience as a licensed speech-language pathologist or audiologist;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 7. IC 25-35.6-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

- (1) Supervisory responsibilities of the speech-language pathologist.
- (2) Ratio of support personnel to speech-language pathologists.
- (3) Scope of duties and restrictions of responsibilities for each type of support personnel.
- (4) Frequency, duration, and documentation of supervision.
- (5) Education and training required to perform services.
- (6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

- (1) Hold a current license as a speech-language pathologist.
- (2) Have at least three (3) years of clinical experience.
- (3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the direct supervision of a speech-language pathologist.

SECTION 8. IC 25-35.6-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) If a speech-language pathologist performs a speech-language pathology evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the speech-language pathologist shall promptly refer the patient to an individual licensed under IC 25-22.5.

(b) A speech-language pathologist shall perform instrumental procedures using rigid or flexible endoscopes only under the authorization and general supervision of an individual licensed under IC 25-22.5.

SECTION 9. IC 25-35.6-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. If an audiologist performs an audiological evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the audiologist shall promptly refer the patient to an individual licensed under IC 25-22.5.

SECTION 10. IC 25-35.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board:

- (1) shall administer, coordinate, and enforce this article;
- (2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;
- (3) may issue subpoenas, examine witnesses, and administer oaths; and
- (4) shall, at its discretion, investigate allegations of practices violating this article, subject to IC 25-1-7.

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. Following their adoption,

the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall have notice provided to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for any action to be taken in actions for revocation or suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

- (1) administer or enforce this article;
- (2) register persons in the process of fulfilling the clinical experience required for a license under this article;
- (3) establish fees in accordance with IC 25-1-8-2; and
- (4) register speech-language pathology assistants, associates, and audiology aides and establish rules governing the duties of assistants, associates, and aides.

(e) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

SECTION 11. IC 25-35.6-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The board may waive the examination and grant licensure shall issue a license in speech-language pathology or audiology to any applicant who:

(1) presents proof of:

(A) current licensure in speech-language pathology or audiology in another state, including the District of Columbia or a territory of the United States, which maintains under professional standards considered by that the board considers to be at least equivalent to those set forth in this article; or

(B) practice as a speech-language pathologist or an audiologist under the authority and supervision of an agency of the federal government; and

(2) meets any other requirements that the board establishes by rule.

(b) The board may waive the examination and grant licensure to any person certified as clinically competent by a nationally recognized association for speech-language and hearing in the area for which such person is applying for licensure.

SECTION 12. IC 25-35.6-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. The board may issue a provisional license in audiology to an individual who meets the requirements that the board establishes by rule.

SECTION 13. IC 25-35.6-3-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.1. (a) Each individual licensed under this article and each individual registered as a speech-language pathology aide, a speech-language pathology associate, or a speech-language pathology assistant shall provide public notice of the license or registration by making the license or registration, or an official duplicate of the license or registration, available when the individual practices speech-language pathology or audiology or provides support services.

(b) Before support personnel may provide services, the speech-language pathologist shall ensure that prior written notification is provided to the recipient of the services that services are to be provided in whole or in part by support personnel.

SECTION 14. [EFFECTIVE JULY 1, 2005] (a) The health professions bureau shall issue a license in speech-language pathology as follows:

(1) To each individual who applies for licensure and meets all of the following qualifications:

(A) Holds a license in speech and hearing therapy issued by the professional standards board.

(B) Has a master's degree in speech-language pathology or a related discipline.

(C) Has been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years.

(2) To each individual who applies for licensure and meets all of the following qualifications:

(A) Holds a life license in speech-language pathology issued by the professional standards board.

(B) Has:

- (i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or
- (ii) taken at least thirty-six (36) hours of continuing education approved by the professional standards board or health professions bureau after December 31, 2001, and before January 1, 2007.

(b) This SECTION expires July 1, 2007.

SECTION 15. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 25-35.6-1-8(b)(3), as added by this act, a speech-language pathologist is not required to hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing to supervise speech-language pathology support personnel.

(b) This SECTION expires July 1, 2010.

SECTION 16. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 25-35.6-1-6(2), as added by this act, an applicant for initial license as an audiologist is required to possess only a master's degree in audiology from an accredited educational program recognized by the board.

(b) This SECTION expires January 1, 2007.

(Reference is to HB 1599 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1607, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-34-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. (a) For purposes of this article, a fetus that is at least twenty (20) weeks of age (from the first day of the mother's most recent menstrual cycle) is presumed to have attained viability.

(b) If a fetus is presumed to have attained viability under subsection (a), no additional medical evaluation is required to establish the fetus's viability."

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2005] IC 16-34-1-0.5, as added by this act, applies only to offenses committed after June 30, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1607 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

ALDERMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1612, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 19, nays 0.

AYRES, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to

which was referred House Bill 1622, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1695, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 18, delete "will".

Page 3, line 19, delete "investment" and insert "**commitment**".

Page 3, line 19, after "hundred" insert "**twenty-five**".

Page 3, line 20, delete "(\$100,000,000)." and insert "**(\$125,000,000), and the commission and the board must determine that:**

**(1) the total capital investment for the project, or series of projects, will be in excess of five hundred million dollars (\$500,000,000) at the completion of the project, or series of projects; and**

**(2) the project would not otherwise be accomplished through the ordinary operations of private investment because of the unique quality and scope of the project or series of projects."**

(Reference is to HB 1695 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

HINKLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1757, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HINKLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1813, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

ULMER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1825, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 6 and 7, begin new paragraph and insert:

"SECTION 2. IC 31-9-2-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.

(8) Disorderly conduct under IC 35-45-1.

(9) Intimidation or harassment under IC 35-45-2.

(10) Voyeurism under IC 35-45-4.

(11) Stalking under IC 35-45-10.

(12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

**(13) Human and sexual trafficking under IC 35-42-3.5."**

Page 9, line 31, after "Class" delete "A" and insert "B".

Page 10, line 1, after "Class" delete "A" and insert "B".

Page 10, between lines 1 and 2, begin a new paragraph and insert: "SECTION 9. IC 35-45-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of causing:

(A) a dwelling, a building, or another structure; or

(B) a vehicle;

to be evacuated;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Class D felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a judge or bailiff of any court;

(iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

(iv) is an employee of a school corporation; or

(v) is a community policing volunteer;

**(vi) is an employee of a court; or**

**(vii) is an employee of a probation department;**

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle."

Renumber all SECTIONS consecutively.

(Reference is to HB 1825 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

ULMER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1839, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "the following:" and insert "**gifts, grants, devices, or requests made to the state to**".

Page 1, run in line 17 through page 2, line 3.

Page 2, delete lines 1 through 2.

(Reference is to HB 1839 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1842, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Delete everything after the enacting clause and insert the following:

**SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "committee" refers to the interim study committee on public safety and homeland security established by this SECTION.**

**(b) There is established the interim study committee on public safety and homeland security. The committee shall study the following issues:**

**(1) Homeland security and public safety.**

**(2) Procedures for issuing licenses and permits under IC 9-24.**

**(3) Identification cards issued by other jurisdictions, including forms of identification other than passports, that are issued to an individual from a foreign country by:**

**(A) an embassy;**

**(B) a consulate; or**

**(C) another official agent of the foreign country.**

**(4) Penalties for business entities that employ individuals without verifying employment eligibility as required by the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324a).**

**(5) Procedures for investigating, apprehending, detaining, and transporting individuals who are in the United States without permission of the Immigration and Naturalization Service.**

**(6) Any other issue assigned by the legislative council.**

**(c) The committee shall operate under the policies governing study committees adopted by the legislative council.**

**(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.**

**(e) This SECTION expires January 1, 2006.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1842 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1848, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 20-5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:** Sec. 2. In carrying out the school purposes of each school corporation, its governing body acting

on its behalf ~~shall~~ have the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment therefor.

(2.5) To appropriate from the general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based upon the school corporation's previous year's average daily membership (as defined in IC 21-3-1.6-1.1) for the purpose of promoting the best interests of the school corporation by:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(3) To acquire, construct, erect, maintain, hold, and to contract for such construction, erection, or maintenance of such real estate, real estate improvements, or any interest in either, as the governing body deems necessary for school purposes, including but not limited to buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing of school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchases money contracts providing for a retention of a security interest by seller until payment is made or by notes where such contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 21-5-10, IC 21-5-11, or IC 21-5-12. To repair, remodel, remove, or demolish any such real estate, real estate improvements, or interest in either, as the governing body deems necessary for school purposes, and to contract therefor. To provide for ~~energy~~ conservation measures through utility ~~energy~~ efficiency programs or under a guaranteed ~~energy~~ savings contract as described in IC 36-1-12.5.

(4) To acquire such personal property or any interest therein as the governing body deems necessary for school purposes, including but not limited to buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by outright purchase for cash, or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where such contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish such personal property. All purchases and contracts delineated under the powers given under subdivision (3) and this subdivision ~~shall be~~ are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of agencies of the state as provided in section 3 of this chapter.

(5) To sell or exchange any of such real or personal property or interest therein, which in the opinion of the governing body is not necessary for school purposes, in accordance with IC 20-5-5, to demolish or otherwise dispose of such property if, in the opinion of the governing body, it is not necessary for school purposes and is worthless, and to pay the expenses for such demolition or disposition.

(6) To lease any school property for a rental which the governing body deems reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children aged five (5) through fourteen (14) years that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if the property subject to a long term lease is being paid for from money in the school corporation's debt service fund, then all proceeds from the long term lease ~~shall be~~ **are** deposited in that school corporation's debt service fund so long as the property has not been paid for. The governing body may, at its option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(7) To employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-6.1-3), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including but not limited to the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and such other personnel or services, all as the governing body considers necessary for school purposes. To fix and pay the salaries and compensation of such persons and such services. To classify such persons or services and to adopt schedules of salaries or compensation. To determine the number of such persons or the amount of services thus employed or contracted for. To determine the nature and extent of their duties. The compensation, terms of employment, and discharge of teachers ~~shall, however, be~~ **are** subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers ~~shall be~~ **are** subject to and ~~shall be~~ **are** governed by any laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of such school corporation shall be submitted to the state board of accounts for approval to the end that such services ~~shall be~~ **are** used by the school corporation when the governing body determines that it is in the best interests of the school corporation while at the same time providing reasonable accountability for the funds expended.

(8) Notwithstanding the appropriation limitation in subdivision (2.5), when the governing body by resolution deems a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including but not limited to attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit such employee to be absent in connection with such trip without any loss in pay and to refund to such employee or to such member ~~his the employee's or member's~~ reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(9) To transport children to and from school, when in the opinion of the governing body such transportation is necessary, including but not limited to considerations for the safety of such children and without regard to the distance they live from the school, such transportation to be otherwise in accordance with the laws applicable thereto.

(10) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including but

not limited to the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate such program, and the purchase of any material and supplies therefor, charging students for the operational costs of such lunch program, fixing the price per meal or per food item. To operate such lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in any surplus commodity or lunch aid program.

(11) To purchase textbooks, to furnish them without cost or to rent them to students, to participate in any textbook aid program, all in accordance with applicable law.

(12) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(13) To levy taxes, to make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with the laws applicable thereto. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-5-4.

(14) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or its employees in connection with motor vehicles or property and for any additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from any liability, risk, accident, or loss related to any school property, school contract, school or school related activity, including but not limited to the purchase of insurance or the establishment and maintenance of a self-insurance program protecting such persons against false imprisonment, false arrest, libel, or slander for acts committed in the course of their employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to any property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, which may include accident, sickness, health, or dental coverage, provided that any plan of self-insurance shall include an aggregate stop-loss provision.

(15) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state government, the federal government, or from any other source.

(16) To defend any member of the governing body or any employee of the school corporation in any suit arising out of the performance of ~~his the member's or employee's~~ duties for or employment with, the school corporation, provided the governing body by resolution determined that such action was taken in good faith. To save any such member or employee harmless from any liability, cost, or damage in connection therewith, including but not limited to the payment of any legal fees, except where such liability, cost, or damage is predicated on or arises out of the bad faith of such member or employee, or is a claim or judgment based on ~~his the member's or employee's~~ malfeasance in office or employment.

(17) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures for the government and management of the schools, property, facilities, and activities of the school corporation, its agents, employees, and pupils and for the operation of its governing body, which rules, regulations, and procedures may be designated by any appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(18) To ratify and approve any action taken by any member of the governing body, any officer of the governing body, or by any employee of the school corporation after such action is



taken, if such action could have been approved in advance, and in connection therewith to pay any expense or compensation permitted under IC 20-5-1 through IC 20-5-6 or any other law. (19) To exercise any other power and make any expenditure in carrying out its general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including but not limited to the acquisition of property or the employment or contracting for services, even though such power or expenditure ~~shall not be~~ is specifically set out herein. The specific powers set out in this section shall not be construed to limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-5-1 through IC 20-5-6 by specific language or by reference to other law.

SECTION 2. IC 36-1-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in this section, this chapter applies to all public work performed or contracted for by:

- (1) political subdivisions; and
- (2) their agencies;

regardless of whether it is performed on property owned or leased by the political subdivision or agency.

(b) This chapter does not apply to an officer or agent who, on behalf of a municipal utility, maintains, extends, and installs services of the utility if the necessary work is done by the employees of the utility.

(c) This chapter does not apply to hospitals organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public work is financed in whole or in part with cumulative building fund revenue.

(d) This chapter does not apply to tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision.

(e) As an alternative to this chapter, the governing body of a school corporation may participate in a utility ~~energy~~ efficiency program or may enter into a guaranteed ~~energy~~ savings contract as permitted under IC 36-1-12.5.

(f) This chapter does not apply to a person that has entered into an operating agreement with a political subdivision or an agency of a political subdivision under IC 5-23.

SECTION 3. IC 36-1-12.5-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.7. As used in this chapter, "causally connected work" means work that is required to properly implement ~~an energy~~ a conservation measure.

SECTION 4. IC 36-1-12.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter "~~energy~~" conservation measure":

(1) means:

- (A) a school facility alteration; ~~or~~
- (B) an alteration of a structure (as defined in IC 36-1-10-2 or as referred to in IC 36-1-12-2);
- (C) a training program; or
- (D) a technology upgrade;

designed to reduce energy ~~or water~~ consumption costs, ~~wastewater costs~~, or other operating costs; ~~including and~~

(2) includes the following:

- (~~1~~) (A) Providing insulation of the school facility or structure and systems ~~within~~ in the school facility or structure.
- (~~2~~) (B) Installing or providing for window and door systems, including:
  - (~~A~~) (i) storm windows and storm doors;
  - (~~B~~) (ii) caulking or weatherstripping;
  - (~~C~~) (iii) multi-glazed windows and doors;
  - (~~D~~) (iv) heat absorbing or heat reflective glazed and coated windows and doors;
  - (~~E~~) (v) additional glazing;
  - (~~F~~) (vi) the reduction in glass area; and
  - (~~G~~) (vii) other modifications that reduce energy consumption.
- (~~3~~) (C) Installing automatic energy control systems.
- (~~4~~) (D) Modifying or replacing heating, ventilating, or air conditioning systems.

(~~5~~) (E) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or replacing lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility or structure.

(~~6~~) (F) Providing for other ~~energy~~ conservation measures that ~~provide billable revenue increases or~~ reduce energy ~~or water~~ consumption, ~~or~~ reduce operating costs, ~~or reduce wastewater costs~~, including future:

- (~~A~~) (i) labor costs;
- (~~B~~) (ii) costs ~~or revenues~~ for contracted services; and
- (~~C~~) (iii) related capital expenditures.

(G) Installing an energy recovery system.

(H) Installing cogeneration systems that produce:

- (i) steam; or
- (ii) forms of energy such as heat or electricity;

for use primarily in a building or complex of buildings.

(I) Installing water and sewer conservation measures, including:

- (i) plumbing fixtures; and
- (ii) infrastructure.

(J) Installing equipment upgrades that improve accuracy of billable revenue generating systems.

(K) Installing automated, electronic, or remotely controlled systems or measures that reduce direct personnel costs.

SECTION 5. IC 36-1-12.5-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. As used in this chapter, "governing body" means the following:

- (1) With respect to school corporations, the governing body (as defined in IC 20-10.1-1-5).
- (2) With respect to a public library, the library board (as defined in IC 20-14-1-2).
- (3) With respect to a library described in IC 20-14-7-6, the trustees of the library.
- (4) With respect to ~~other political subdivisions, units,~~ the legislative body (as defined in IC 36-1-2-9).
- (5) With respect to ~~other political subdivisions, the board or officer that has the power to award contracts.~~

SECTION 6. IC 36-1-12.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "guaranteed ~~energy~~ savings contract" refers to a contract entered into under this chapter, in which a qualified provider enters into an agreement with the governing body to:

- (1) evaluate and recommend to the governing ~~body~~ ~~energy~~ body's conservation measures; and
- (2) provide for the implementation of at least one (1) ~~energy~~ conservation measure.

SECTION 7. IC 36-1-12.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) As used in this chapter, "qualified provider" means the following:

- (1) Before July 1, 1999, the term means a person that satisfies both of the following:
  - (A) The person is experienced in the design, implementation, and installation of energy conservation measures.
  - (B) The person submits to the school corporation or political subdivision a performance bond to ensure the qualified provider's faithful performance of the qualified provider's obligations over the term of the guaranteed energy savings contract.
- (2) After June 30, 1999, the term means a person that satisfies all of the following:
  - (A) **Subject to subdivision (3)**, the person is experienced in the design, implementation, and installation of energy conservation measures.
  - (B) The person is certified and meets the requirements of IC 4-13.6-4. The person's response to the request for proposals must include a copy of the person's certificate of qualification issued under IC 4-13.6-4.
  - (C) **Subject to subdivision (3)**, the person provides energy conservation engineering services by a professional engineer licensed under IC 25-31 who is under the person's direct employment and supervision. The person's response to the



request for proposals must include the license number of each professional engineer employed by the person to satisfy the requirement of this clause.

(D) The person provides:

- (i) monitoring for the facility performance guarantee; and
- (ii) service personnel under the person's direct employment and supervision;

for the duration of the contract's guarantee.

(E) The person performs at least twenty percent (20%) of the work (measured in dollars of the total contract price) with its own workforce.

(F) The person submits to the school corporation or political subdivision a performance bond to ensure the qualified provider's faithful performance of the qualified provider's obligations over the term of:

- (i) the guaranteed energy savings contract; or
- (ii) **the guaranteed savings contract.**

**(3) With respect to conservation measures for which a contract is executed after June 30, 2005, the term includes a person that satisfies the following:**

**(A) The person is experienced in the design, implementation, and installation of conservation measures.**

**(B) The person provides engineering services with respect to conservation measures by a professional engineer licensed under IC 25-31 who is under the person's direct employment and supervision. The person's response to the request for proposals must include the license number of each professional engineer employed by the person to satisfy the requirement of this clause.**

(b) For purposes of a guaranteed energy savings contract entered into before July 1, 1999, a person who was a qualified provider under subsection (a)(1) at the time the contract was entered into remains a qualified provider for that contract after June 30, 1999. If the person enters into:

- (1) a guaranteed energy savings contract after June 30, 1999, and before July 1, 2005, the person must satisfy the requirements of subsection (a)(2); or**
- (2) a guaranteed savings contract after June 30, 2005, the person must satisfy the requirements of subsections (a)(2) and (a)(3);**

to be considered a qualified provider.

SECTION 8. IC 36-1-12.5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. As used in this chapter, "related capital expenditures" includes capital costs that:

- (1) the governing body reasonably believes will be incurred during the contract term;
- (2) are part of or are causally connected to the **energy** conservation measures being implemented; and
- (3) are documented by industry engineering standards.

SECTION 9. IC 36-1-12.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. As used in this chapter, "utility **energy** efficiency program" refers to an energy, a **water**, or a **wastewater** efficiency program that:

- (1) includes **an energy** a conservation measure;
- (2) is established by a public utility (as defined in IC 8-1-8.7-2); and
- (3) is undertaken pursuant to this chapter.

SECTION 10. IC 36-1-12.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The governing body may enter into an agreement with a public utility to participate in a utility **energy** efficiency program or enter into a guaranteed **energy** savings contract with a qualified provider to reduce the school corporation's or the political subdivision's energy or **water** consumption, **wastewater usage** costs, or operating costs if, after review of the report described in section 6 of this chapter, the governing body finds:

- (1) that the amount the governing body would spend on the **energy** conservation measures under the contract and that are recommended in the report is not likely to exceed the amount to be saved in energy and **water** consumption costs, **wastewater usage costs**, and other operating costs over ten (10) years from the date of installation if the recommendations in the report

were followed; and

- (2) in the case of a guaranteed **energy** savings contract, the qualified provider provides a written guarantee as described in subsection (d)(2).

(b) Before entering into an agreement to participate in a utility **energy** efficiency program or a guaranteed **energy** savings contract under this section, the governing body must publish notice under subsection (c) indicating:

- (1) that the governing body is requesting public utilities or qualified providers to propose **energy** conservation measures through: **either**

- (A) a utility **energy** efficiency program; or**
- (B) a guaranteed **energy** savings contract; and**

- (2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must:

- (1) be published in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located;
- (2) be published two (2) times with at least one (1) week between publications and with the second publication made at least thirty (30) days before the date by which proposals must be received; and
- (3) meet the requirements of IC 5-3-1-1.

(d) An agreement to participate in a utility **energy** efficiency program or guaranteed **energy** savings contract under this section must provide that:

- (1) all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of ten (10) years or the average life of the **energy** conservation measures installed from the date of final installation; **and**
- (2) in the case of the guaranteed **energy** savings contract:

- (A) the savings in:
  - (i) energy and water consumption costs;**
  - (ii) wastewater usage costs; and**
  - (iii) other operating costs;**

due to the **energy** conservation measures are guaranteed to cover the costs of the payments for the measures; and

- (B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and
- (3) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation.

(e) An agreement or a contract under this chapter is subject to IC 5-16-7.

SECTION 11. IC 36-1-12.5-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.3. (a) This section applies only to a guaranteed energy savings contract **or a guaranteed savings contract** entered into after June 30, 1999.

(b) A qualified provider may enter into a subcontract:

- (1) with a value of more than one hundred fifty thousand dollars (\$150,000); and
- (2) for the performance of any part of a guaranteed energy savings contract **or guaranteed savings contract;**

only if the subcontractor is certified under IC 4-13.6-4.

SECTION 12. IC 36-1-12.5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. IC 6-1.1-20 does not apply to an agreement to participate in:

- (1) a utility **energy** efficiency program; or**
- (2) a guaranteed **energy** savings contract;**

entered into under this chapter.

SECTION 13. IC 36-1-12.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Before the public utility or the qualified provider may install equipment in, make modifications to, or remodel a building or complex of buildings under a utility **energy** efficiency program or a guaranteed **energy** savings contract, the public utility or the qualified provider (whichever applies) must issue a report that includes estimates for the following:

(1) All costs attributable to the work stipulated in the agreement or the contract, including the costs of design, engineering, installation, maintenance, repairs, or debt service.

(2) The amounts by which:

- (A) energy or water consumption;
- (B) wastewater costs; or
- (C) operating costs;

will be reduced.

(b) The report must also contain a listing of contractors and subcontractors to be used by the public utility or the qualified provider with respect to the **energy** conservation measures.

SECTION 14. IC 36-1-12.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. If the governing body enters into an installment payment contract for the purchase and installation of **energy** conservation measures under this chapter, the balance of the payments must be paid in installments not to exceed the lesser of ten (10) years or the average life of the **energy** conservation measure installed from the date of final installation. Payments under an installment payment contract are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation. **Annual revenues or savings from a guaranteed savings contract may be less than annual payments on the contract if during the length of the contract total savings occur as provided for by the contract. The financing of a guaranteed savings contract may be provided by:**

- (1) the vendor of the guaranteed energy, water, or wastewater savings program; or
- (2) a third-party financial institution or company.

SECTION 15. IC 36-1-12.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. **Energy** Conservation measures installed under a utility **energy** efficiency program or a guaranteed **energy** savings contract must be approved by the following:

- (1) The state department of health, office of the state fire marshal, office of the state building commissioner, and any other state agency designated by statute.
- (2) An architect or engineer licensed under IC 25-4 or IC 25-31 if the **energy** conservation measures have a cost of more than fifty thousand dollars (\$50,000).

SECTION 16. IC 36-1-12.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The contractor and each subcontractor engaged in installing **energy** conservation measures under a guaranteed **energy** savings contract shall keep full and accurate records indicating the names, classifications, and work performed by each worker employed by the respective contractor and subcontractor in connection with the work, together with an accurate record of the number of hours worked by each worker and the actual wages paid.

(b) The payroll records required to be kept under this section must be open to inspection by an authorized representative of the governing body or the department of labor.

SECTION 17. IC 36-1-12.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The governing body shall:

- (1) provide to the department of commerce not more than sixty (60) days after the date of execution of the guaranteed **energy** savings contract:
  - (A) a copy of the executed guaranteed **energy** savings contract;
  - (B) the:
    - (i) energy or water consumption costs; or
    - (ii) wastewater usage costs;
 before the date of execution of the guaranteed **energy** savings contract; and
- (C) the documentation using industry engineering standards for:
  - (i) stipulated savings; and
  - (ii) related capital expenditures; and
- (2) annually report to the department of commerce, in accordance with procedures established by the department of commerce, the savings resulting in the previous year from the

guaranteed **energy** savings contract or utility **energy** efficiency program.

SECTION 18. IC 36-1-12.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A guaranteed **energy** savings contract that includes stipulated savings must specify the methodology used to calculate the savings using industry engineering standards.

(b) Stipulated savings may be used for **energy** conservation measures including the following:

- (1) Heating.
- (2) Air conditioning.
- (3) Ventilating.
- (4) Lighting.
- (5) Roofing.
- (6) Windows.
- (7) Water conservation.
- (8) Fuel and power improvements.
- (9) Wastewater generation.

~~(9) (10)~~ Any work that is causally connected to the **energy** conservation measures listed in subdivisions (1) through ~~(8)~~ (9).

(c) The guaranteed **energy** savings contract shall:

- (1) describe stipulated savings for:
  - (A) **energy** conservation measures; and
  - (B) work causally connected to the **energy** conservation measures; and
- (2) document assumptions by industry engineering standards.

SECTION 19. IC 36-1-12.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) An improvement that is not causally connected to an **energy** a conservation measure may be included in a guaranteed **energy** savings contract if:

- (1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed **energy** savings contract; and
- (2) either:
  - (A) the improvement is necessary to conform to a law, a rule, or an ordinance; or
  - (B) an analysis within the guaranteed **energy** savings contract demonstrates that:
    - (i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed **energy** savings contract; and
    - (ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported to the department of commerce.

(Reference is to HB 1848 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

WOLKINS, Chair

Report adopted.

With consent of the members, the House returned to House Bills on second reading.

## HOUSE BILLS ON SECOND READING

### House Bill 1649

Representative Friend called down House Bill 1649 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1666

Representative Stutzman called down House Bill 1666 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1822

Representative Austin called down House Bill 1822 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1484**

Representative Behning called down House Bill 1484 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1484-1)

Mr. Speaker: I move that House Bill 1484 be amended to read as follows:

Page 1, line 8, after "balance" insert "**remaining after the uses set forth in IC 21-1-5-12**".

Page 1, after line 12, begin a new paragraph and insert:  
"SECTION 2. IC 21-1-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12. The department of education shall use interest earned on the balance in the common school fund and from advances made to school corporations in the following priority:**

- (1) **The purposes of this chapter and IC 21-1-5.1.**
  - (2) **To offset any shortfall in textbook reimbursements under IC 20-8.1-9-9.5.**
  - (3) **To offset any tuition support deficiency at the end of a calendar year.**
  - (4) **As matching funds under IC 20-5.5-7-10."**
- (Reference is to HB 1484 as printed February 15, 2005.)

HOY

Upon request of Representatives Hoy and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 143: yeas 49, nays 50. Motion failed.

HOUSE MOTION  
(Amendment 1484-2)

Mr. Speaker: I move that House Bill 1484 be amended to read as follows:

Page 1, delete lines 7 through 9.

Page 1, line 10, delete "(c)" and insert "**(b)**".

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 2. IC 20-5.5-7-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11. (a) If a sponsor who is:**

- (1) **a state educational institution (as defined in IC 20-12-0.5-1) that offers a four (4) year baccalaureate degree; or**
  - (2) **the executive (as defined in IC 36-1-2-5) of a consolidated city;**
- sponsors a charter school or nonconversion charter school after July 1, 2005, the sponsor shall be assessed fifty percent (50%) of the cost of operating the charter school.**

**(b) After July 1, 2005, a new nonconversion charter school shall receive fifty percent (50%) of the state aid per ADM provided under IC 21-3 to the school corporation in which a student has legal settlement and fifty percent (50%) of any other state funds for which a charter school is eligible."**

(Reference is to HB 1484 as printed February 15, 2005.)

PORTER

Upon request of Representatives Porter and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 144: yeas 46, nays 50. Motion failed. The bill was ordered engrossed.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On February 17, 2005, I signed into law House Enrolled Act 1022.

MITCHELL E. DANIELS, JR.  
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 18, 180, 206, 219, 322, 446, 480, and 518 and the same are herewith transmitted to the

House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 13 and the same is herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 21, 2005 at 1:30 p.m.

RICHARDSON

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1250, Roll Call 139, on February 17, 2005. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

ROBERTSON

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1250, Roll Call 139, on February 17, 2005. In support of this petition, I submit the following reason:

"I was on the floor of the House but away from my desk and was unable to get to my desk in time to vote. I intended to vote yea."

RUPPEL

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 139 to 90 yeas, 3 nays.*]

**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bills 1064, 1381, 1454, 1505, 1718, 1719, and 1839 had been referred to the Committee on Ways and Means.

**Referrals to Ways and Means withdrawn**

The Speaker announced that the referral of House Bills 1409, 1413, 1534, 1538, and 1579 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

**Reassignment**

The Speaker announced the following reassignment:

House Bill 1304 from the Committee on Public Safety and Homeland Security to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as coauthor of House Bill 1038.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Whetstone be added as coauthors of House Bill 1192.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be removed as coauthor and Representative Mays be added as coauthor of House Bill 1222.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as coauthor of House Bill 1245.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehe be added as coauthor of House Bill 1261.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin and Reske be added as coauthors of House Bill 1297.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be removed as coauthor and Representative Walorski be added as coauthor of House Bill 1297.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Aguilera be added as coauthor of House Bill 1301.

SAUNDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1441.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cherry, Woodruff, and Cochran be added as coauthors of House Bill 1574.

McCLAIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Becker and Welch be added as coauthors of House Bill 1596.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bardon be added as coauthor of House Bill 1668.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1746.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Foley and Porter be added as coauthors of House Bill 1813.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as author of House Bill 1848.

FRIEND

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dickinson, the House adjourned at 4:50 p.m., this seventeenth day of February, 2005, until Monday, February 21, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives